



*History of political parties in  
the State of New-York*

John Stilwell Jenkins

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GEORGE CLINTON.

LITH. OF C. CURRIER, N. Y.

**HISTORY**  
**OF**  
**POLITICAL PARTIES**  
**IN THE** 301-28  
**STATE OF NEW-YORK,**

**FROM THE ACKNOWLEDGMENT OF THE INDEPENDENCE OF THE UNITED  
STATES TO THE CLOSE OF THE PRESIDENTIAL ELECTION  
IN EIGHTEEN HUNDRED FORTY-FOUR.**

**ADAPTED**

**TO THE USE OF COLLEGES, ACADEMIES, AND COMMON SCHOOLS.**

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**BY JOHN S. JENKINS.**

**AUTHOR OF "THE NEW CLERK'S ASSISTANT."**  
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TO THE  
HON. JABEZ D. HAMMOND,  
THIS WORK  
IS RESPECTFULLY DEDICATED,  
AS A SLIGHT,  
THOUGH NOT INAPPROPRIATE ACKNOWLEDGMENT,  
FOR THE  
VALUABLE INFORMATION, AND KIND ADVICE,  
WHICH HAVE SO  
MATERIALLY CONTRIBUTED  
TO DIMINISH THE LABOR OF ITS PREPARATION.





## PREFACE.

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In a Democratic form of Government, where the people are themselves the sovereign rulers, it is naturally to be expected, that a deep and pervading interest in the movements of Statesmen and Politicians, will be at all times manifested. The character and conduct of those individuals who are honored with the public confidence, are subjects in relation to which there always exists a desire to be enlightened. The nature of our Institutions is such, that every man becomes, to a certain extent, a politician ; and no one can be exalted so high, as not to feel the popular scrutiny, or yield to the popular will. It is for these reasons, that the History of Political Parties becomes so full of importance to the intelligent and reflecting voter.

The Political History of Mr. Hammond has received, as it justly merited, a large share of public favor. While it is invaluable to the professional

Politician, its size unfortunately prevents its general circulation among the great mass of the people. The following pages have been written, with a view of remedying this difficulty, and of placing within the reach of every elector, a compendium of those lessons of practical statesmanship, and those political organizations and changes, which have marked the brilliant and prosperous career of our noble State.

It has been the anxious desire of the Author, to preserve the most rigid impartiality in the preparation of this work, and to render 'equal and exact justice' to all classes of his fellow citizens. If he has failed in doing this, he trusts it may be attributed, rather to his inability to overcome that prejudice which has been termed 'the besetting sin' of the partizan, than to any other, or more censurable motive. It was long since laid down, as an unvarying maxim, that 'the logic of a politician, like the anvil of the blacksmith, leans all upon the one side'; and the writer of these pages will not claim, at this day, to be entirely exempt from the failings which are incident to mortality.

It is not improbable that the frequent references which the Author has found it necessary to make, to the work of Mr. Hammond, and the other books which he has consulted, have been followed by an unintentional similarity in the ideas attempted to be

conveyed, or in the forms of expression which have been employed ; neither is it at all unlikely, that errors have been overlooked, which the reader may readily detect. Such as it is, however, this book is submitted to a generous and discriminating public, who will best understand how to excuse its imperfections, and to profit by everything useful that may be found in its pages.





# POLITICAL PARTIES

IN

## THE STATE OF NEW-YORK.

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### CHAPTER I.

1783—Acknowledgment of the Independence of the United States, and Treaty of Peace with Great Britain—Meeting of Commissioners at Annapolis—Recommendation of a National Convention by Congress—Controversy in relation to the Grant of the Import Duties at the port of New-York to the General Government—Refusal of Gov. Clinton to Convene an Extra Session of the Legislature—Alexander Hamilton, John Jay, Robert R. Livingston, Philip Schuyler, George Clinton, Robert Yates, John Lansing, Melancthon Smith, Samuel Jones—The Conduct of the Governor reviewed in the New-York Legislature, and his course approved by a large majority—Messrs. Yates, Lansing, and Hamilton, appointed Delegates to the National Convention—Projects of the different Parties in the Convention—Withdrawal of Messrs. Yates and Lansing—Adoption of the Federal Constitution—The Project of a State Convention discussed at the subsequent session of the Legislature—The Convention called, and a majority of Anti-Federalists elected as Delegates—Debate in the Convention terminated by the intelligence from New-Hampshire, and the Constitution Ratified by the united vote of the Federalists, and a portion of Gov. Clinton's friends—Adjournment of the State Convention—1788.

THE existence of political parties, as we now understand the term, was almost entirely unknown in the United States, previous to the adoption of the Federal Constitution. At the commencement of the Revolutionary struggle for independence, there were, it is true, a few families in each of the States, who,

either from motives of interest, or of sincere attachment to the British Government, were disposed to array themselves in opposition to the revolted Colonists. The outburst of public enthusiasm which greeted the promulgation of the Declaration of Independence, soon compelled them, however, openly to take sides with the mother country; and, as the great mass of the people were united, heart and hand, in the determination to resist the arbitrary enactments of the British Parliament, those who supported the claims of England, and who were generally designated as "Tories," were regarded and treated, on all sides, as alien enemies, rather than citizens of this country. The one great idea—that of securing the privileges and blessings of Freedom—prominent in the minds of men, and the pervading sentiment of admiration for the character and services of the leader of the American armies, prevented, in a great degree, the frittering away the strength and resources of the embryo Republic, in the vain and unworthy contests of mere partizanship. Throughout this long and eventful period in the history of the country, there was but one party deserving the name—the party of WASHINGTON and of FREEDOM!

The acknowledgment of our independence by Great Britain, and the ratification of the treaty of peace of 1783, at once led to the formation of schemes, and the organization of factions, having in view the aggrandizement of particular individuals, and particular sections of the country; but a few years' experience after the peace, convinced intelligent and reflecting men, that the Articles of Confederation, adopted in

1777, were wholly incompetent to preserve the integrity of the Union, and regulate the commerce of the nation, and its intercourse with foreign governments; and that a new plan of government, or constitution, ought to be devised and adopted, under which some power should be created to act upon the citizens of each State. Various opinions and theories of government were rife in the world. Political economists seemed to spring up in the western wilderness, like Jonah's gourd, in a night. The natural result was, the division of the statesmen and politicians of the country into separate organizations; and from this period may we date the rise and progress of political parties in this State and nation.

In pursuance of a recommendation of commissioners from several States, among whom was General Alexander Hamilton, who had met at Annapolis, in Maryland, in September, 1786, "to take into consideration the trade and commerce of the United States, and to consider how far a uniform system in their commercial intercourse and regulations might be necessary to the common interest and permanent happiness" of all the States, the National Congress, in February, 1787, resolved that it was expedient that a convention of delegates, to be appointed by the several States, should be held at Philadelphia on the second Monday in May, then next, "for the *sole and express purpose* of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as should, when agreed to in Congress, and confirmed by the States, under the Federal Constitution, be ad-

equate to the exigencies of Government, and the preservation of the Union." The views and opinions of the politicians of the State of New-York upon the questions connected with this recommendation, were developed in the debates and proceedings of the Legislature, convened in the city of New-York in the winter of 1787; but as the collection of import duties at the port of New-York contributed largely to the first organization of different political parties in this State, it will be well to revert briefly to the previous action of the Legislature upon this subject.

In 1781, an act was passed by the Legislature of New-York, in accordance with the recommendation of Congress, which granted to the United States the import duties at the port of New-York, to be levied and collected "under such penalties and regulations, and by such officers, as Congress should from time to time make, order, and appoint." In March, 1783, this act was repealed, and a new act passed, granting the duties to the United States, but directing their collection by officers who should be appointed by the State; which was subsequently amended, so as to render the collectors amenable to, and removable by, the authorities of the United States. At the close of the session of the Legislature in 1786, a law was enacted granting the revenue to Congress, but reserving to the State "the sole power of levying and collecting the duties." This law was treated by Congress as a nullity, and they thereupon "passed a resolution requesting Governor Clinton to convene the Legislature, for the purpose of submitting this subject again to its consideration." The Governor replied to this

application by letter, stating that it would afford him pleasure to comply with the request, "but that he had not the power to convene the Legislature before the time fixed by law for their stated meeting, except upon "*extraordinary occasions*"; and as the present business had already been particularly laid before them, and so recently as at their last session received their determination, it cannot come within that description." Among the most active friends of the unrestricted grant of the duties to the United States, was Alexander Hamilton, subsequently the leader of the Federal party in this State, and the principal author and champion of the Federal Constitution. With him were associated John Jay, one of the first and foremost advocates of the cause of independence, and a man of great legal learning, and unblemished purity of character; Robert R. Livingston, a gentleman of fine address, the head of a powerful and influential family, and the highest judicial officer in the State; General Schuyler, of Albany, the father-in-law of Hamilton; the Van Rensselaer family; and many others, eminent for their talents and standing in the community.

In the front rank of the opposition was George Clinton, who had probably a stronger hold on the affections of the people than any other citizen of the State. His father was an emigrant from Ireland, and settled at an early period in Little Britain, Orange county. He was much respected for his patriotism and private virtues; at one time officiated as a county judge; and was a colonel in the British army which invaded Canada during the French war. George



was the youngest son, and was bred a lawyer. Soon after the completion of his studies, he was appointed clerk of the county of Ulster, by Sir Henry Clinton, the Colonial Governor, to whom the Clinton family are said to have been distantly related. Notwithstanding this connection with one of the principal officers of the Crown, he was one of the earliest friends of the American cause. He possessed a clear and logical mind, and great decision of character, and was thoroughly indoctrinated in the principles of the republican school. Without any of the adventitious aids of wealth and family connections, but solely owing to his talents and private virtues, he became one of the most conspicuous patriots of the day, and was almost unanimously elected the first Governor of the State of New-York. At the time when the controversy in relation to the adoption of the Federal Constitution arose, Governor Clinton had been repeatedly elected to the first office in the State, with singular unanimity. Among the most prominent of his friends and supporters, were Robert Yates, afterwards Chief Justice of the Supreme Court, John Lansing, a delegate from this State in the Convention that formed the Constitution, and subsequently Chief Justice and Chancellor, and Mr. Melancthon Smith.

The position occupied by Gov. Clinton and his friends, in opposing the surrender of the revenue accruing at the port of New-York, which already gave promise of its future value and importance, was, that the State, as an independent sovereignty, associated with the other colonies only for the purpose of mutual assistance and protection, ought not to give up

this source of wealth to the nation at large ; and this, in fact, had become the settled policy of the State. In his speech to the Legislature, at the opening of the session of 1787, the Governor gave a statement of the application which Congress had made to him to call an extra meeting, as before stated, and of the reasons which had impelled him to refuse a compliance with the request. Upon this body devolved the duty of deciding, whether this State would send delegates to the National Convention, and of selecting and appointing the delegates, in case of an affirmative decision. The importance of the questions to be brought before the State Legislature, induced the friends of a national government to put Gen. Hamilton in nomination for the office of member from the city of New-York. The vigorous exertions of the merchants of that city, and of his political friends, secured his election. Gen. Schuyler was at that time a member of the Senate ; and around these two gentlemen, the opponents of the Governor, in each house, rallied. Mr. Hamilton had been placed at the head of the committee to draw up an answer to the Executive speech, and reported one which was silent in respect to the refusal of the Governor to call an extra session of the Legislature. The friends of the Governor, the leading man among whom was Samuel Jones, a learned and able lawyer, afterwards Comptroller, and the father of the late Chancellor Jones, offered an amendment to the answer, approving of the conduct of Governor Clinton. The debate on the question of adopting the amendment was conducted with great ability, and some asperity, on both sides. The most prominent speakers

were Mr. Hamilton and Mr. Jones. The true point in controversy was, whether there was an "extraordinary occasion" for convening an extra session of the Legislature, within the meaning of the Constitution; but during the progress of the discussion which ensued, the claims of the Confederation on this State, and its reciprocal relations to the Confederacy, were examined and considered. On the question being taken, the amendment was adopted by a vote of thirty-six to nine, showing conclusively that the Anti-Federalists held a powerful preponderance in the popular branch of the Legislature. In the Senate, also, a large majority concurred with the Governor. The Legislature decided in favor of sending delegates to the National Convention, and appointed Mr. Yates, Mr. Lansing, and Gen. Hamilton, such delegates. The two gentlemen first named, were selected as the representatives of the majority, who were opposed to any material alteration in the Articles of Confederation, and to the formation of a new government; while Gen. Hamilton was appointed, in a liberal spirit of concession, as being the ablest and most eloquent partizan in the ranks of the opposition.

The National Convention assembled at Philadelphia, at the time appointed by Congress. The delegates in attendance were found to be divided into three classes. One portion of them desired to confine the Convention to an enlargement of the powers of the Confederation. The delegates from New-York were restricted to this object, by the terms of the resolution under which they were appointed. For this reason, Messrs. Yates and Lansing withdrew from

the Convention, after a majority of the members had determined to abolish the Confederacy, and adopt a new form of government. Mr. Hamilton, however, elected to remain, on his own responsibility. The delegates from New-Jersey and Delaware, and the celebrated Luther Martin, of Maryland, entertained similar views with the majority of the New-York delegation. The plan of amendment to the Articles of Confederation which these gentlemen proposed, was, the creation of an Executive department, to consist of one or more persons, who were to possess the power of appointing certain officers, and directing military operations, and of a court of admiralty; and a declaration that the constitutional acts of Congress, and all treaties, should be the supreme law of the States. They further proposed, that the Federal Executive should be authorized to call forth the powers of the confederated States, to compel obedience and observance of such acts and treaties. The party in the Convention headed by Gen. Hamilton, went to the extreme on the other hand, and avowed it to be their desire to create a strong government, purely national. Among other features of Mr. Hamilton's plan, were the following: the election of members of the House of Representatives, to serve for three years; the division of the States into districts, for the purpose of choosing electors to elect the Senators, and electors who were to elect Presidential Electors; that the Senators and the President should hold their offices during good behavior; that the laws of the States, contrary to the Constitution and the laws of the United States, should be utterly void; and that the Gov-

ernors of the several States should be appointed by the President and Senate, and have an unqualified veto on all laws attempted to be passed by the State Legislatures. The project of a judiciary establishment introduced by Mr. Hamilton, was, in substance, finally adopted; and his ideas in relation to the powers of the Executive, in making treaties, in the use of the veto, and the appointment of officers, were, to a greater or less extent, incorporated into the new Constitution.

Between the two ultra classes in the Convention, a third party was formed, at the head of which was James Madison, of Virginia. The scheme of government proposed by Mr. Madison, was sketched in a series of resolutions drawn by him, and presented by Mr. Randolph. This was called "The Virginia plan," and proposed the formation of a government, partly national and partly federal: the *people* of the Union were to be represented in one branch of the Legislature, and the *States* in the other; while the national Executive was to be created, partly by the people, and partly by the States. A sufficient number of the ultras on either side having yielded to this middle course, the Constitution, as it now stands, exclusive of the subsequent amendments, was adopted by a majority of the Convention, and recommended to the States.

The recommendation of the National Convention produced little effect on the Anti-Federalists in this State. They regarded the new form of government, as a measure calculated to deprive the State of the commanding influence and power which it



would naturally have exerted, from its comparative size and population, and reduce it to a level with the smallest State in the Union ; and its adoption was, therefore, opposed, for the same reasons which influenced them in refusing to surrender the revenue duties to the United States. The principal ground of opposition, however, was, that the proposed Constitution entirely departed from the principles of a Confederacy, and constituted a consolidated National Government vested with extensive powers, operating not upon the States, but upon individuals ; that it divested the States of their sovereignty ; that it clothed the President with too much power and patronage ; and that the people themselves were not sufficiently protected by a bill of rights. Gov. Clinton and his friends adhered strictly to the terms of the resolution for the appointment of delegates from this State, and contended that the Convention was limited to the business of amending the Articles of Confederation, and had no power to create a new Constitution. In his speech to the Legislature convened in 1788, although the Constitution had been long before that time reported and published, the Governor studiously avoided all allusion to the subject. On the 17th of January, the matter was brought before the Legislature, by Mr. Egbert Benson, who offered a resolution providing for calling a Convention of delegates to be elected by the people, in accordance with the recommendation of Congress, to take into consideration the propriety of adopting the Federal Constitution. Mr. Schoonmaker, a member from Ulster, thereupon proposed a preamble to the resolution, setting forth

the ground of objection on the part of the Anti-Federalists, to the action of the National Convention. The adoption of this preamble was supported by Mr. Jones, but the resolution finally passed both branches of the Legislature.

The election of delegates to the State Convention took place in the spring of 1788, and appears to have turned solely on the consideration, whether the candidates were for or against the adoption of the Constitution. The people of the northern and middle counties were generally against, and those of the southern counties in favor of the measure. Many able dissertations, both for and against the new plan of government, were published at this time, and the numbers of the *Federalist*, written by Hamilton, Jay, and Madison, were extensively circulated and read.

In the city of New-York, John Jay, Alexander Hamilton, Chancellor Livingston, Richard Morris, then Chief Justice, and James Duane, Mayor of the city, were elected as delegates. Mr. Jay, who ran considerably in advance of his ticket, received two thousand seven hundred and thirty-five votes, out of two thousand eight hundred and thirty-three, the whole number cast. In the county of Albany, where the new Constitution had been publicly burned, Abraham Ten Broeck, Jacob Cuyler, Francis Nicoll, J. Bloodgood, Peter Gansevoort, John Lansing, Jr., Robert Yates, Henry Outhout, Peter Vrooman, T. A. Ten Eyck, and Derick Swart, the Anti-Federal candidates, were elected. Besides the distinguished men chosen from the cities of New-

York and Albany, Gov. Clinton was elected from the county of Ulster, Gen. James Clinton, father of Dewitt Clinton, from the county of Orange, Melancthon Smith from the county of Dutchess, and other eminent citizens, from the counties on the North River. The result throughout the State was, that New-York, Westchester, Kings, and Richmond, elected Federalists; the counties of Albany, Montgomery, Washington, Columbia, Dutchess, Ulster, and Orange, Anti-Federalists; and the delegates from Suffolk and Queens were divided. The whole number of delegates was sixty-seven.

The State Convention was organized on the 17th of June, 1788, by the appointment of George Clinton as President. Chancellor Livingston opened the debate, in an eloquent address to the Convention, in which he pointed out the necessity of the Union to this State, the radical defects of the existing Confederation, and the magnitude and importance of the questions then to be considered. The discussion of the various clauses of the Constitution occupied three weeks, during which time several important amendments, in addition to those which had been proposed by the Convention of Massachusetts, were adopted. On the 11th of July, Mr. Jay moved "that the Constitution be ratified, and that whatever amendments might be deemed expedient, should be *recommended*." This motion encountered the vigorous opposition of the Anti-Federalists, who had been elected with the understanding, that unless the proposed Constitution should be materially altered, they would vote for its rejection; and no doubt they sincerely believed it

would be unsafe to adopt it without such alteration. They therefore proposed to amend Mr. Jay's resolution, so that it should read "that the Constitution be ratified *on the condition* that certain specified amendments should be made." A protracted and able discussion followed, which was terminated upon the arrival of the intelligence that the Convention of New-Hampshire had ratified the Constitution. Nine States, which was the number requisite to secure the adoption, having signified their assent, the question with the New-York Convention was not whether they should ratify the Constitution, but whether they should secede from the Union. The Federalists then proposed to amend the amendment, so that the resolution offered by Mr. Jay would read: "Resolved, that the Constitution be ratified, *in full confidence* that the amendments proposed by this Convention will be adopted."

To this resolution a number of the Anti-Federalists, headed by Gilbert Livingston and Melancthon Smith, both of whom had been elected as Anti-Federalists, and the latter well known as an ardent personal friend and admirer of Gov. Clinton, reluctantly yielded their assent. This course, it is understood, was taken under the confidential advisement of the Governor; as he and his friends, though firmly convinced that New-York was sacrificing too much political power, and surrendering too many of the natural advantages of her geographical position, could not but foresee that a secession from the Union, at this crisis, would expose the State to imminent perils and dangers, which it was the part of wisdom and sound policy to avoid.

At the close of an eloquent speech delivered by Mr. Livingston, in which, after re-affirming his sincere conviction that there was no safety under the Constitution unless amended, he stated that he felt bound, as an American and a Whig, proud of his country and devoted to her interests, to vote for the adoption of the resolution, with the bill of rights and amendments contained in it, the final vote was taken. Fifty-seven members, exclusive of the President, [Gov. Clinton,] were present, thirty of whom voted for the ratification, and twenty-seven against it.

The decision of the New-York Convention was made on the 26th of July, 1788. Before closing the session, Gov. Clinton addressed the Convention, and, in the course of his remarks, stated that the probability was, that the body of the people who were opposed to the Constitution would not be satisfied; but that he would exert his power and influence to keep up peace and good order among them. A circular letter, drawn by Mr. Jay, addressed to the other States, and requesting their co-operation in securing the adoption of the amendments proposed by the New-York Convention, was then read and subscribed by all the members present, and the Convention adjourned without day.

## CHAPTER II.

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1788—State of Parties after the Adoption of the Federal Constitution—Washington, his Political Preferences and Appointments—Failure of the New-York Legislature to elect United States Senators, and Division of the State into Congressional Districts—Nomination of Robert Yates as the Federal Candidate for Governor—Re-election of Gov. Clinton, and the Choice of a Federal Majority in the Legislature—State Officers in 1789—Council of Appointment, their Powers and Mode of Election—The Council of Revision Veto the Bill providing for the Choice of United States Senators—Philip Schuyler and Rufus King elected Senators—Robert Yates appointed Chief Justice, and John Lansing, Jr., Associate Judge—Funding System and Bank Project of Gen. Hamilton—James Kent—Aaron Burr appointed to succeed Gen. Schuyler as Senator—Census of the State and new Apportionment—Morgan Lewis appointed Attorney General—Inquiry into the Conduct of the Governor on the Sale of the Public Lands—Contest between Gov. Clinton and John Jay—The former declared elected by the State Canvassers—Controversy thereupon—Appointment of additional Judges of the Supreme Court—Difficulty between the Governor and Council of Appointment—Address of Gov. Clinton, in which he declines being a Candidate for re-election—1795.

WITH the adoption of the Federal Constitution, party spirit was for a time almost entirely hushed. Viewed in its true light, as the offspring of mutual concession and compromise between the friends of a strong consolidated government on the one hand, and the advocates of a simple confederation of the States on the other, this great work of the Philadelphia Convention seemed to call forth a general expression of approbation. The original distinction between the Federalists and the Republicans, was still preserved, though but rarely exhibited. Between these two parties, it was, no doubt, the desire of

Washington to remain entirely neutral. The character of his mind, however, which was eminently conservative, in the better sense of the word, induced him to look with disfavor on the progress of that spirit of innovation which had given the most effectual impulse to the Revolution, through fear that the rights and privileges already secured, might be endangered, in the attempt to reach 'the utmost bound of civil liberty.' From this consideration, in addition to the feelings of personal attachment and regard which he cherished for Gen. Hamilton, it is probable that Washington was generally persuaded, in accordance with the wishes of the former, to bestow the patronage of the National Government, in the State of New-York, upon the personal enemies or political opponents of Gov. Clinton. In addition to the appointment of Gen. Hamilton as Secretary of the Treasury, and of John Jay as Chief Justice of the United States, James Duane was made Judge, Richard Harrison, Attorney, and William S. Smith, Marshal, for the District of New-York. All of these gentlemen were decidedly active in their opposition to Gov. Clinton; whose friends appear to have been wholly overlooked. It cannot be doubted that it was the intention of Hamilton, in this way, to destroy the influence of the Governor, and overthrow the dominant party, of which he was the acknowledged head; but the strong hold which Clinton possessed upon the affections of the people, and the patronage of the State Government, with the aid of the majority of the Legislature, who were his warm supporters, enabled him successfully to defy all opposition.

On the 13th of October, 1788, Gov. Clinton issued a proclamation, requiring the Legislature to meet at Albany, on the 8th of December; on which day that body assembled. The lower house was organized by the unanimous choice of John Lansing, Jr., as Speaker. In his speech to the Legislature, the Governor reiterated the sentiment which he had previously expressed, that the Federal Constitution had been ratified "on the express confidence, that the exercise of different powers would be suspended until it should undergo a revision by a general convention of the States;" but it is scarcely to be presumed that he seriously entertained the idea that a second Convention would be called. On the contrary, this declaration may rather be regarded as an indirect protest against the latitudinarian notions in relation to the construction of the Constitution, and the powers of the General Government, which began to be manifested by many of the leading members of the Federal party. That the Governor had this object in view, as a means of combining and strengthening the Republican party, appears evident, from the fact that one of his friends, (Mr. Jones,) on the 19th day of January following, introduced a bill into the Assembly, providing for the election of United States Senators. The two houses having failed to agree upon the details of the bill, New-York was not represented in the Senate during the first session of Congress. Presidential Electors were chosen at this session, and the State divided into districts for the election of six members of the House of Representatives. The first members elected under the new Constitution,



were Egbert Benson, William Floyd, John Hathorn, Jeremiah Van Rensselaer, John Lawrence, and Peter Sylvester.

As the term of office of Gov. Clinton was to expire in July, 1789, active preparations began to be made by the Federalists, to prevent his re-election. Notwithstanding their success in securing the adoption of the Constitution, and the prevalent feeling in favor of the General Government, the Federal party met with considerable difficulty, in selecting a candidate who could be supported with any chance of success. After various propositions had been brought forward and discarded, they seem to have concluded that it was impossible to defeat Gov. Clinton, unless a portion of the Anti-Federalists could be drawn off from his support. For this purpose, a meeting of Federalists was held in the city of New-York, on the 11th of February, 1789, at which Robert Yates, then one of the Judges of the Supreme Court, and previously well known as a leading Anti-Federalist, and a decided opponent of the new Constitution, was nominated as their candidate for Governor. At this meeting, Gen. Hamilton, Robert Troup, Wm. Duer, Aaron Burr, and others, were appointed a committee of correspondence. On the 24th of February, Judge Yates signified his acceptance of the nomination. On the 27th of the same month, Chief Justice Morris, who had been spoken of as the Federal candidate, and who would probably have been more acceptable to the great majority of the party, publicly declined. In addition to the defection of Col. Burr, and other Anti-Federalists, who took ground against Gov. Clinton,

meetings were held at Albany, Schenectady, and other places, by persons claiming to belong to the same party, who resolved to support Judge Yates.

The election, which was closely contested, came off in April, and resulted in the re-election of Gov. Clinton, and the choice of a majority of Federal members of the Assembly. Under the State Constitution then in existence, none but freeholders voted for Governor; and the whole number of votes cast, barely exceeded twelve thousand, Gov. Clinton receiving six thousand three hundred ninety-one, and Judge Yates five thousand nine hundred sixty-two. The counties of New-York, Westchester, Dutchess, Columbia, Albany, and Montgomery, gave Federal majorities. The county of Ulster, in which Gov. Clinton commenced his professional and political career, gave him one thousand thirty-nine votes, out of one thousand two hundred forty-five, the whole number polled. The principal State officers at this time, were as follows: Pierre Van Cortland, Lieutenant Governor; R. R. Livingston, Chancellor; Richard Morris, Chief Justice; Robert Yates, and John Sloss Hobart, Associate Justices; Lewis Allain Scott, Secretary of State; Richard Varick, Attorney General; and Simeon Dewitt, Surveyor General. The Council of Appointment consisted of Samuel Townsend, Peter Van Ness, John Hathorn, and John Williams, all Anti-Federalists. Of this body the Governor was President, by virtue of his office; and he was required by the Constitution, "with the advice and consent of the Council, to appoint all officers" not otherwise provided for in that instrument. The

remaining members of the Council were selected annually by the Assembly, from the Senators, one being chosen from each district. The number of Senatorial districts at this time, was four, viz: the Southern, Middle, Eastern, and Western.

On the 6th day of July, the Legislature convened at Albany, in pursuance of the proclamation of the Governor, for the purpose of making provision for the election of United States Senators. Gulian Verplanck, a member elected from the city of New-York, was chosen Speaker of the Assembly, without opposition. On the 21st of July, a bill was passed by the two houses, providing for the election of Senators in Congress, which was returned by the Council of Revision, consisting of the Chancellor, Judges of the Supreme Court, and Governor, with objections. As the Council possessed the power of vetoing all laws, unless passed by two-thirds of both houses of the Legislature, and there was not the requisite majority in favor of the passage of this bill, it was lost. At a subsequent day, the Legislature, by joint resolution, appointed Gen. Philip Schuyler, and Rufus King, Senators. The latter gentleman had recently removed from Massachusetts, which State he had previously represented in the Continental Congress, with great credit to himself and to his constituents.

At the regular session of the Legislature in 1790, Philip Livingston, John Cantine, Philip Schuyler, and Edward Savage, were elected members of the Council of Appointment. Mr. Livingston, from the Southern, and Gen. Schuyler, from the Western District, were Federalists; Mr. Cantine, from the Middle, and

Mr. Savage, from the Eastern District, were Republicans. The Republican members of the Council probably owed their election to the fact, that all the Senators from their respective districts belonged to the same party, as it is not to be presumed that the Federalists would have voluntarily yielded to their opponents the entire control of the State patronage. The offices becoming vacant during the existence of this Council, were generally bestowed on Republicans. Richard Morris having resigned the office of Chief Justice, Robert Yates was appointed as his successor. The vacancy made by the promotion of Judge Yates, was filled by the appointment of John Lansing, Jr. The Federal members of the Council supported Egbert Benson, and the Republicans Mr. Lansing, who was appointed by the casting vote of the Governor. At a subsequent meeting of the Council, Abraham Yates, Jr., was appointed Mayor of Albany, Peter Gansevoort, Sheriff, and Richard Lush, Clerk, in the same manner.

The next general election was held in April, 1790, and a nominal majority of Federal members were elected to both houses of the Legislature. Party lines were not very distinctly marked, as several of the members who had been elected as Federalists, were friendly to Gov. Clinton. At the session of Congress held in New-York, during the summer of this year, the Funding System of Gen. Hamilton, and his project for a National Bank, which had agitated the public mind from the time of the organization of the Government, were the prominent subjects of discussion. The Republicans of this

State were generally opposed to the assumption by the nation of the State debts, and the chartering of a bank, which were leading features of Gen. Hamilton's scheme. When the vote was taken, a majority was found in both branches of Congress in favor of the assumption. Gen. Schuyler and Mr. King voted for the measure. The New-York delegation in the House were equally divided.

The Legislature of the State met in the city of New-York January 3, 1791. John Watts was unanimously elected Speaker of the Assembly. James Kent, the distinguished jurist, made his first appearance in public life at this session, as a member of the lower house from the county of Dutchess. Gen. Schuyler having prawn for the short term, upon his election to the United States Senate, his term of office would expire on the 4th of March, 1791; consequently, the choice of his successor devolved upon this Legislature. The incumbent was a candidate for re-election, and Aaron Burr was his competitor. The latter was nominated by both houses: in the Senate, his majority was eight, in the Assembly, five. The politics of Col. Burr, at this time, it would be difficult to define. He was considered as opposed to the ultras of both parties; and, several years afterwards, he frankly avowed that he regarded both Clinton and Hamilton as his rivals. A portion of the Federal members of the Legislature preferred Burr to Gen. Schuyler, as the latter, although enlarged and liberal in his views, and a sincere patriot, was believed to act under the influence of Gen. Hamilton, and was personally unpopular, on account of his early military associations,

which had imparted an unprepossessing austerity to his manners.

On account of the large increase of population in the State, as appeared from the census taken in 1790, a new apportionment of the representation in the Legislature, and a new division of the Senatorial districts, became necessary. The whole population at the time the census was taken, was three hundred forty thousand, one hundred and twenty; and the number of electors for Senators, nineteen thousand six hundred twenty-six. This subject was brought before the Legislature, at the regular session in 1791, and a new division of the Senatorial districts was made, by an act passed on the 7th day of February. Under this act, the counties of Suffolk, Queens, Kings, Richmond, New-York, and Westchester, were constituted the Southern District, and entitled to elect eight Senators; the counties of Dutchess, Ulster and Orange, were constituted the Middle District, to elect six Senators; the counties of Columbia, Rensselaer, Washington, and Clinton, were constituted the Eastern District, to elect five Senators; and the counties of Albany, Montgomery, Saratoga, and Ontario, were constituted the Western District, to elect five Senators. At this session, also, three new counties were erected out of the county of Montgomery, viz: Herkimer, Otsego, and Tioga; and an act was passed making a new apportionment of the representation in the popular branch of the Legislature.

Mr. Burr having been elected to the United States Senate, his office of Attorney General, to which he had been appointed on the resignation of Mr. Varick,

in September, 1789, was declared vacant by the Council; and Morgan Lewis, a connection of the "Livingston family," who had recently changed their politics, ✓ was appointed his successor, on the 8th of November, 1791.

At the general election in April, 1791, the Republicans, owing partly to local and personal considerations, gained considerable strength in the Legislature. Melancthon Smith was returned as a member, from the strong Federal county of New-York; his colleagues were Josiah Ogden Hoffman, and other equally zealous Federalists. The regular session of that body, which was held at New-York, commenced January 5th, 1792. Mr. Watts was re-elected Speaker of the Assembly. In his annual speech to the Legislature, the Governor stated that large quantities of "the waste and unappropriated lands" belonging to the State, had been sold by the Commissioners of the Land Office, and recommended that the proceeds should be applied to the payment of the State debts, and the surplus invested in such a manner that the annual income should be used to defray the ordinary expenses. The Commissioners of the Land Office were, the Governor, L. A. Scott, Secretary of State, Aaron Burr, Attorney General, Girard Bancker, Treasurer, and Peter T. Curtenius, Auditor. The agency of the Governor in the sale of the public lands, which was made under an act of the Legislature passed in 1791, conferring unlimited powers on the Commissioners, formed the foundation of a violent attack which was made on him during this session. The whole quantity of land

sold, amounted to five million five hundred forty-two thousand, one hundred and seventy-three acres ; the receipts were one million thirty thousand, four hundred and thirty-three dollars. Among the sales, was one made to Alexander McComb, of three million six hundred thirty-five thousand and two hundred acres, at eight pence per acre, payable in five annual instalments, without interest. Other parcels were sold, at prices ranging from one shilling to three shillings per acre. The report of the Commissioners having been taken up for consideration, Col. Talbot, a member of the Assembly from Montgomery county, offered a series of resolutions, severely censuring the conduct of the officers by whom the sales had been made. In the course of the protracted and acrimonious debate which ensued, Gov. Clinton and his immediate friends were charged with having been personally interested in the sales to McComb, which was subsequently denied by that gentleman under oath. This charge was not attempted to be sustained by any proof, although it is doubtless true that the conduct of the Commissioners was highly injudicious ; yet it was unqualifiedly asserted on their behalf, that no higher offers could be obtained than those accepted by them. The resolutions of Col. Talbot were finally rejected, and on the 10th of April, Melancthon Smith introduced into the Assembly a resolution approving of the conduct of the Commissioners, which was adopted by a vote of thirty-five to twenty.

Whatever may have been the motives of those who instituted this inquiry into the conduct of Gov. Clinton, the opposite party were thereby emboldened



to make vigorous efforts to defeat him at the election in April. Early in the winter, Judge Yates had positively declined being again a candidate; and Chancellor Livingston, and Stephen Van Rensselaer, the patroon, who were also spoken of, had both refused. In this state of things, all eyes were anxiously turned on John Jay, who was put in nomination by his Federal friends, in connection with Stephen Van Rensselaer as the candidate for Lieutenant Governor, at a meeting of Federalists held in the city of New-York, on the 13th of February, 1792. Judge Yates attended this meeting, and expressed his determination to support the Federal candidates. On the 15th of February, a Republican meeting was held in the same city, at which Gov. Clinton and Mr. Van Cortland were nominated for re-election. A number of moderate men, of both parties, preferred Col. Burr for Governor, on the ground that "he did not belong to either party"; but the enthusiastic spirit which was manifested by the Federal and Republican parties throughout the State, in support of their respective candidates, induced him to announce in the newspapers, on the 15th of March, that he was not a candidate.

The gubernatorial election was held in April, 1792, and was warmly contested on both sides. By the laws of the State, the votes for Governor, Lieutenant Governor, and Senators, were canvassed by a joint committee of the two houses of the Legislature, consisting of twelve persons, six of whom were chosen by each house. The canvassers officiating this year, were David Gelston, Thomas Tillotson, Melancthon Smith, Daniel Graham, P. Van Cortland, Jr., David

McCarty, Jonathan N. Havens, Samuel Jones, Isaac Rosevelt, Leonard Gansevoort, and Joshua Sands. Owing to a difference of opinion among the canvassers, as to the right of canvassing and allowing the votes given in the counties of Otsego, Clinton, and Tioga, the matter was referred to Rufus King and Aaron Burr, the two State Senators. The ballots taken in the county of Otsego, were received and forwarded to the Secretary of State, by a sheriff holding over until his successor had taken the oath of office; the votes taken in the county of Clinton, were delivered into the Secretary's office, by a person who had no deputation, but who had received the box containing them from the Sheriff of the county; the box containing the votes of the county of Tioga, was delivered by the clerk of the special deputy appointed by the Sheriff. Mr. King was of opinion, that the votes from all three counties ought to be canvassed. Mr. Burr concurred in the opinion that the votes of Clinton county ought to be allowed, but thought that those taken in Otsego and Tioga should be rejected. A majority of the canvassers, viz: Messrs. Gelston, Tillotson, Smith, Graham, Van Cortland, McCarty, and Havens, decided to reject the votes from the three counties, and declared George Clinton duly elected Governor, by a majority of one hundred and eight. The minority of the board, Messrs. Jones, Rosevelt, Gansevoort, and Sands, protested, in writing, against this decision. The importance of the question consisted in the fact, that the county of Otsego had given about four hundred majority against Gov. Clinton; and that the votes of Clinton and Tioga

would not materially diminish that majority ; therefore, if the votes from the three counties had been allowed, Mr. Jay would have been declared elected.

Party feeling at this time ran very high, and when the decision of the State canvassers was made known, it gave rise to the most violent criminations and re-criminations. Gov. Clinton was denounced as a usurper, and the canvassing committee were charged with acting under the influence of sinister and corrupt motives. That the voice of the majority of the electors in the State was set aside by the decision of the canvassers, cannot be denied. Indeed, the subsequent defeat of the Republican party, was a significant rebuke of the conduct of Gov. Clinton and his friends. Had the influence of the Governor been exerted, the canvassers would doubtless have made a different decision. But it is probable, that a keen sense of the injustice of the attack made upon him in relation to the sale of the public lands, and which had contributed in a great degree to swell the vote of the Federal candidate, induced him to remain silent while the wrong was being committed ; yet it is to be regretted that he did not exhibit the same magnanimity of character, in his course upon this question, which distinguished Mr. Jay on another memorable occasion. During the Presidential contest of 1800, the Federal party had become disheartened and divided, and it was found that the electoral vote of New-York could alone prevent the election of Mr. Jefferson. Mr. Jay, who was then Governor of the State was applied to by his political friends, to convene an extra session of the existing Legislature, a majority

of which were Federalists, with the view of choosing electors, in anticipation of the regular session of the succeeding Legislature, who would undoubtedly make choice of electors friendly to Mr. Jefferson. In a private letter, urging this course, which was addressed to the Governor by Gen. Hamilton, the latter remarked: "In times like these in which we live, it will not do to be over-scrupulous. It is easy to sacrifice the substantial interests of society, by a strict adherence to ordinary rules." Mr. Jay, with a moral courage and a manliness worthy of high commendation, refused to be made a party to such a proceeding, and upon the letter of Gen. Hamilton, afterwards found among his papers, he made the following endorsement: "Proposing a measure for party purposes, which I think it would not become me to adopt"; thus adding another, to the many circumstances, which go to show, that throughout his whole public career, he was rather the passive recipient of political honors, than the active and zealous partizan.

At the time the decision of the canvassing committee was made, Mr. Jay was holding a Circuit Court in Vermont. On his return to this State, he was, every where on his route, received by his friends with flattering demonstrations of respect. Immediately after his arrival in New-York, a public meeting was called to express the sentiments of the inhabitants, on the attempt which had been made to deprive him of the office to which he had been elected, "in contempt," as was said, "of the sacred voice of the people, in defiance of the Constitution, and in violation of the uniform practice and settled principles of

law." Mr. Jay's replies to the expressions of confidence and esteem which he received from his friends, were uniformly written in a mild and conciliatory tone, and he steadily set his face against any popular commotion or disturbance. Gov. Clinton took the oath of office on the 1st of July, and on the 19th was present at a public dinner tendered him by his political friends in New-York, at which the conduct of his opponents was animadverted upon with no little severity. The reply of the Governor to the address of the Chairman, was exceedingly mild, but dignified.

About this time, a new distinguishing feature of the two great parties in the country was first manifested. The Republicans were charged by the Federalists, with being leagued with the French Jacobins, and with favoring the Agrarian doctrines, and loose theories in politics and morals, which were then alarmingly prevalent in France ; while, on the other hand, the Federalists were accused of entertaining sentiments favorable to the policy and government of England, and incompatible with a proper regard for liberty, as well in this country as in France. The feelings growing out of these reciprocal accusations afterwards took such deep root, that the Republicans openly identified themselves as being the friends of France, and the Federalists avowed similar preferences for the British nation.

Owing to the large increase of the population, and the business of the courts, it was deemed advisable, by the Council, in the summer of 1792, to appoint a fourth Judge of the Supreme Court of the State. The appointment was first tendered to Aaron Burr, who

declined accepting it. The office was then conferred on Morgan Lewis, and the vacancy thus created in the Attorney Generalship, was filled by the appointment of Nathaniel Lawrence. All these appointments were made by the votes of Messrs. Pye and Van Cortland, the two Republican members of the Council, and the casting vote of Gov. Clinton. On the 6th of November the Legislature met in New-York, the session having been appointed thus early, by the Governor, for the purpose of choosing electors for President and Vice President. Mr. Watts was again chosen Speaker of the Assembly. The canvassing question was immediately raised by the Federalists in the Senate, who objected to the right of John Livingston, the Republican candidate, declared elected in the Eastern District, to take his seat in that body. The principal speakers on the subject, were Mr. Williams of Washington county, on the Democratic side, and Mr. Samuel Jones, who had recently changed his political associations, and become a zealous Federalist, on the side of the opposition. The question was decided in favor of Mr. Livingston, by a majority of one. The vote, a strict party one, stood twelve to eleven. On the 13th of November, the same question was brought up in the Assembly, by the appearance at the bar of about eighty gentlemen, claiming to be deputies from different sections of the State "to solicit a legislative remedy for the late outrage said to have been committed on the right of suffrage by a majority of the Canvassing Committee." The memorial of these deputies was presented, and a lengthy investigation of the subject matter of their

complaints was thereupon had, which resulted in a vote of the Assembly approving the proceedings of the majority of the canvassers. While this subject was under consideration, a memorial was presented by the friends of Gov. Clinton, against William Cooper, First Judge of Otsego County, asking for his impeachment. Upon the inquiry which ensued, sufficient facts were not elicited to found an impeachment, although it appeared that he had encouraged illegal voting in favor of Mr. Jay, and in other respects misconducted himself, as a citizen. The Presidential Electors chosen at this session, were John Woodhull, Edward Savage, Johanus Brown, William Floyd, Abraham Ten Eyck, David Van Ness, Samuel Clark, Abraham Yates, Jr., Volkert Veeder, Samuel Ward, and Samuel Osgood, who were all Republicans.

The Federal party succeeded, at the April election ✓ in 1793, by a triumphant majority. The Republican candidates were elected in the Middle Senatorial District, and the remaining Districts returned Federal Senators. In the following summer, Mr. Genet, the French Minister, visited New-York, and was cordially received by the Republicans of that city, who appointed a committee to address him. Mr. Genet was highly complimented in the address, and the French people were assured of the deep sympathy entertained for them by the Republican party. The Federalists also held a meeting, and passed a series of spirited resolutions, in support of the neutral attitude assumed by the United States Government, in respect to the war then waging in Europe.

The Legislature met at Albany on the 7th of Jan-

uary, 1794, and James Watson, of New-York, was chosen Speaker of the Assembly. In his speech to the two houses, the Governor alluded to the war in Europe, and expressed the wish that peace might be preserved; at the same time complaining of the delay on the part of Great Britain, in surrendering the Western ports, according to the treaty of 1783. He also recommended a thorough revision of the criminal code of the State. After the withdrawal of the Governor and Senate, from the Assembly Chamber, Josiah Ogden Hoffman, a Federal member from New-York, moved that the House proceed, forthwith, to choose a Council of Appointment, and delivered a most violent speech against the course of Governor Clinton and the existing Council. Ambrose Spencer, and other Federal members, supported the motion. The most active members on the opposite side were, Mr. Smith, of Suffolk, and Mr. Comstock, of Saratoga, who advocated a postponement of the question until the next morning. This was earnestly resisted by Mr. Hoffman, who stated that the appointment of a fifth Judge of the Supreme Court had become necessary; and that, if a selection were made by the existing Council, a very unsuitable man would be chosen. The Federalists desired to secure the appointment of Egbert Benson as one of the Judges, while the Republicans were generally in favor of Peter W. Yates. Gov. Clinton, it is said, was opposed to appointing a fifth Judge, which was probably the case; for, had he entertained the contrary opinion, the appointment might have been made, while Mr. Hoffman's motion was pending in the House. Notwithstanding the



vigorous opposition of the Republican members, the motion was carried, and a new Council appointed, consisting of Philip Schuyler, Zina Hitchcock, and Selah Strong, Federalists, and Reuben Hopkins, a Republican. Shortly after, Egbert Benson was appointed a Judge of the Supreme Court. The Governor having refused to make the nomination, it was done by one of the Federal members; and, a majority having voted for Mr. Benson, he was declared appointed. Gov. Clinton protested against this proceeding, and insisted that he possessed the exclusive right of nomination. On the last day of the meeting of the Council, the Governor drew up a formal protest against the action of the majority in making appointments, which was filed in the office of the Secretary of State. In 1801, a controversy arose between Gov. Jay and the Council, a majority of whom were then Republicans, in which he took the same ground previously maintained by Gov. Clinton, and insisted upon the exclusive right to make nominations. The protest of Gov. Clinton called forth a lengthy reply from the Federal members of the Council, who endeavored to convict him of inconsistency. This charge was not sustained by the facts adduced; and it needs only a candid examination, to convince any unprejudiced mind, that Clinton and Jay were correct in their construction of the Constitution.

The election in 1794 terminated in favor of the Federalists. More than five thousand votes were cast for Stephen Van Rensselaer and John Frey, the Federal nominees for Senators, in the Western District; while the opposing candidates received but

about two hundred and forty. The Legislature met at Poughkeepsie, on the 6th of January, 1795. The candidates for the Speakership were, Gen. North, of Duanesburgh, and Mr. Watson, the late Speaker; both of whom were Federalists. The former was elected, by a vote of thirty-three to twenty-eight. Gov. Clinton was at this time confined to his house, at Greenwich, by sickness, and, instead of the usual speech, sent a written message to the Legislature, in which he again recommended the amelioration of the criminal code, and that legislative aid should be extended to the Common Schools. Acting upon this suggestion, the Legislature passed a law, appropriating the sum of fifty thousand dollars annually, for five years, and directing its apportionment among the several counties. The act also provided, that the board of Supervisors in each county should apportion the amount among the towns, and that, in addition thereto, a sum equal to one-half of its share of the public money should be assessed and raised in each town, for the support of its own schools. On the 27th of January, Rufus King was re-elected to the United States Senate, for six years from the 4th of March, then next, at which time his term of office would expire. A few days afterwards, Gov. Clinton published an eloquent and feeling address, to the Freeholders of the State, in which he declined being a candidate for re-election. The reasons which he alledged were, that he had held elective offices for nearly thirty years, during which time the duties of the various trusts devolved upon him, prevented that attention to his private affairs which they now imperatively

required, and that the impaired state of his health rendered it necessary for him to retire from active business. Lieut. Gov. Van Cortland also declined being a candidate for re-election, on account of his advanced age.

## CHAPTER III.

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1795—Nomination of John Jay and Stephen Van Rensselaer, as the Federal candidates for Governor and Lieutenant Governor—Robert Yates and William Floyd, supported by the Democratic party—Gubernatorial Election—Triumph of the Federalists—Arrival of Governor Jay in New-York—Publication of the Treaty with Great Britain, and its consequences—Session of the Legislature in 1796—Returns of the Census taken in 1795—Jacob Radcliff—James Kent—Equalization of Senatorial Districts—Attempt to abolish Slavery—Conduct of the French Government, and their agents in this country, and its effect upon the spring election of 1796—Choice of Presidential Electors by the State Legislature—Preference of Gen. Hamilton for Thomas Pinckney, instead of John Adams—Apathy in the Democratic Party—John Lawrence appointed United States Senator—Edward Livingston and Mr. Jay's Treaty—Legislative Session of 1797—Office of Comptroller created—Seat of Government permanently fixed at Albany—Gen. Schuyler elected a member of the United States Senate—The British Treaty—The Livingston Family—Election in 1797—Dr. Samuel L. Mitchell—Dewitt Clinton—Session of the Legislature in 1798—Gen. Schuyler's resignation as United States Senator, and appointment of Judge Hobart—John Lansing, Jr., appointed Chief Justice, and James Kent an Associate Judge, of the Supreme Court—Re-nomination of Jay and Van Rensselaer—Spring Election—Gov. Jay re-elected, and the Federalists generally successful—Apprehensions of a war with France—James Watson elected United States Senator—Disaffection in the Federal ranks—Opinions of leading Federalists as to the permanence of Democratic institutions—Alien and Sedition laws—Virginia and Kentucky Resolutions—Erastus Root—Charter of the Manhattan Banking Company—Election in April, 1799—Death of George Washington—Legislative session of 1800—April Election—Difficulty between Gov. Jay and the Council—A State Convention recommended—Presidential Election of 1800—Conduct of Gen. Hamilton—Intrigues of Col. Burr—Choice of Mr. Jefferson—Retirement of Gov. Jay—1801.

THE refusal of Gov. Clinton to become a candidate for re-election, rendered it certain that a change would be produced at the ensuing election. The Federal

party were anxious to nominate Mr. Jay. His conceded fitness for the office of Governor, and the manner in which he had been defeated in 1792, were powerful arguments in his favor. On the other hand, were the prevailing sympathy for the French Republic, and the strong prejudices against Great Britain, which it was feared might be aroused against him, if he should conclude a treaty with England, where he had been sent with that object in view. It was thought, however, as eventually proved to be the case, that the contents of the treaty would not be known in this country, until after the election. Accordingly, the Federalists, at a Legislative Caucus, nominated John Jay, for Governor, and Stephen Van Rensselaer, for Lieutenant Governor. This nomination was made without the knowledge of Mr. Jay. After considerable difficulty, the Democratic party finally determined to support Chief Justice Yates, who had been the Federal candidate in 1789, in opposition to Gov. Clinton, for Governor, and William Floyd, for Lieutenant Governor. Col. Burr had been again spoken of by his friends, but a majority of both parties were decidedly opposed to him. The result of the April election was, as might have been anticipated from the political course of Judge Yates, Mr. Jay receiving a large majority of the votes, and being declared elected. Mr. Van Rensselaer was elected Lieutenant Governor, and a Federal majority chosen in both branches of the Legislature. The Senators elected were, John D. Coe, Richard Hatfield, Philip Livingston, Ambrose Spencer, and John Fhey, all of whom were Federalists. Dewitt Clinton was

one of the Republican candidates for member of Assembly in the city of New-York, but was defeated.

Two days after the result of the State canvass was made known, Mr. Jay arrived in New-York, and was received by "a large concourse of citizens, assembled to welcome their new Governor," with flattering evidences of their regard and esteem. On the 2d of July, the treaty which he had negotiated was published at Philadelphia, and the long pent indignation of the Republican party burst forth with ten-fold fury. Mr. Jay was burnt in effigy, by the mob in Philadelphia. Public meetings were held throughout the Union, at which the treaty, and the negotiator, were alike denounced. In New-York, an immense crowd attended a meeting in the open air, and, after adopting some violent resolutions, marched, with the American and French colors flying, in front of the Governor's house, and there burned the treaty. In attempting to address the meeting, Gen. Hamilton was pelted with stones, and compelled to leave the ground. These outrages, were neither countenanced or approved by the candid and reflecting members of the Republican party. Although Mr. Jay's political opponents, to a man, were dissatisfied with the provisions of the treaty, and with his views on other important subjects, his integrity and patriotism were never seriously questioned. Had the contents of the treaty been published previous to the election, it is highly probable that he would have been defeated. Indeed, the public feeling was so strongly set against it, that at the Congressional election in December, 1795, Edward Livingston, an ardent Republican, and



JOHN JAY.

LITH. OF C. CURRIER, N.Y.

a warm friend of the French revolution, was elected from New-York, in opposition to James Watson, one of the most popular Federalists in that city.

The Legislature convened in New York, on the 6th of January, 1796. Gen. North was re-elected Speaker. In his speech at the opening of the session, Gov. Jay avowed his determination "to regard all his fellow-citizens with an equal eye, and to cherish and advance merit, wherever found." This declaration was a noble one, in theory, but the Governor, like all other party men, found himself unable to reduce it to practice. He also requested the Legislature to pass a law, declaratory of the exclusive right of the Governor to make nominations in the Council of Appointment, and recommended that the Chancellor and Judges of the Supreme Court should be pensioned whenever they became ineligible, on account of age, to hold their respective offices. No definite action was had by the Legislature, on either of these questions. The Council of Appointment chosen this year, consisted of Joshua Sands, Abraham Schenck, Ebenezer Russell, and Michael Myers, all Federalists except Mr. Schenck. During this session, a bill was passed dividing the State into districts, for the trial of criminal cases at the Courts of Oyer and Terminer, and providing for the appointment of Assistant Attorney Generals in each district. Jacob Radcliff was appointed to this office, for the district comprising the counties of Dutchess, Orange, and Ulster; and Ambrose Spencer, for the district composed of Columbia, Rensselaer, &c. At the same time, James Kent, then of the city of New-York, was appointed a Master in



Chancery. The census taken in 1795, was returned to the office of the Secretary of State, on the 20th of January, 1796; from which it appeared that the whole number of freeholders in the State was thirty-six thousand three hundred and thirty-eight, and the voters for members of Assembly, sixty-six thousand and seventeen. According to the Constitution, it now became necessary to elect twenty additional Senators, seventeen of whom were to be chosen in the Western District. For the purpose of equalizing the districts, an act was passed, annexing the counties of Albany and Saratoga to the Eastern District. At this session, also, a bill was introduced "for the gradual abolition of slavery," upon the suggestion of Gov. Jay, as it is said. A long and animated discussion arose on the merits of this question, which was disposed of in the end by the passage of a resolution, declaring that it would be unjust to deprive any citizen of his property, unless a reasonable compensation should be paid to him by the State. The vote on the resolution stood thirty-one to thirty-one, and was decided by the casting vote of Mr. Foote, afterwards First Judge of the county of Delaware, who was Chairman of the Committee of the Whole.

The violent and dictatorial conduct of the French Minister, and the Government which he represented, so far diminished the excitement in relation to the British treaty, that the election in the spring of 1796 terminated highly favorable to the Federalists. In the Southern District, Messrs. Haight, Onderdonk, Strong, and Watson, the Federal nominees, were elected to the Senate by nearly fifteen hundred majority.

Robert Sands and William Thomson, Federalists, and C. Tappan, Republican, were elected in the Middle District, by a close vote. In the Eastern District, E. Clarke, M. Vail, J. Savage, P. Sylvester and A. Ten Eyck, the Federal candidates, were elected by decided majorities. In the Western District, Jedediah Sanger, James Gordon, Leonard Gansevoort, Thomas Morris, Thomas R. Gold, John Richardson, Johannes Dietz, Vincent Matthews, Jacob Morris, Leonard Brown, Francis Nicol, Joseph White, and Abraham Arndt, all Federalists, were elected almost without opposition. The Legislature met in New-York on the 1st of November, in order to make choice of Presidential Electors. Gulian Verplanck, of New-York, was elected Speaker of the Assembly. In his opening speech, Gov. Jay paid an eloquent tribute to the noble patriotism, and self-sacrificing devotion to the welfare of the country, which shone so brightly in the character of Washington, and which were never more conspicuous than upon his refusal to become a candidate for the Presidency for a third term.

Gov. Jay, and the great body of the Federalists in the Northern and Eastern States, were in favor of John Adams, as Gen. Washington's successor, while Gen. Hamilton appears, from a communication published by him in 1800, to have preferred Thomas Pinckney, of South Carolina, the Federal candidate for Vice President. The Republican party in this State were desirous that Thomas Jefferson should be elected President, and George Clinton Vice President; but they had become so disheartened, on account of the result of the spring election, that very little inter-

est was manifested in their ranks. At an early day in the session of the Legislature, Presidential Electors were chosen, who, of course, gave the twelve votes of the State to Mr. Adams and Mr. Pinckney; the former of whom was elected over Mr. Jefferson by three majority. Under the Constitution of the United States, as it then stood, Mr. Pinckney having fallen behind Mr. Jefferson, the latter was elected Vice President. Before the adjournment of the New-York Legislature, John Lawrence, then a District Judge of the United States, was elected a State Senator, to supply the vacancy occasioned by the appointment of Rufus King as Minister to England.

Prior to the Congressional election in 1796, considerable dissatisfaction began to be exhibited, on account of the management of our foreign affairs by the National Government, and particularly in relation to the French Republic. Edward Livingston, a distinguished member of the Republican party, it will be recollected, had been chosen a member of Congress from the city of New-York, in 1795. During his term of service, he had received an address from a majority of his constituents, many of whom were actuated by a sincere desire for the preservation of peace, and others, undoubtedly, influenced, by the leaven of Toryism left by the English occupation, to support Mr. Jay's treaty. In relation to his course on this occasion, he afterwards said: "I took on myself, for the first time in my whole representative career, to disregard the wishes of my constituents. I attacked the treaty, and spared no effort to prevent its adoption. The issue justified the line of conduct I held. Enlightened by

the discussion, and by the press, my constituents voted me their thanks for the course I had pursued." At the December election, in 1796, Mr. Livingston was again put in nomination and re-elected by a triumphant vote. The Republicans also elected J. N. Havens from Suffolk, Lucas Elmondorff from Ulster, and Philip Van Cortland from Westchester, as members of Congress, notwithstanding the active opposition of the Federal party.

The Legislature re-assembled at Albany on the 3rd of January, 1797, and on the 13th of the same month Andrew Onderdonk, Ambrose Spencer, Leonard Gansevoort, and Thomas Morris, all Federalists, were elected members of the Council of Appointment. An act was passed at this session abolishing the office of Auditor, and substituting that of Comptroller; who was clothed with additional powers, and required to perform other duties. By this act, the Comptroller was, in fact, constituted the chief financial officer of the State. The first incumbent of the office was Samuel Jones, who was at the time of his appointment a member of the State Senate. The county of Delaware was erected this year, from the counties of Albany and Ulster, and a law was passed fixing the seat of Government permanently at Albany. Three days before the adjournment of the Legislature, Gen. Schuyler was elected to succeed Aaron Burr, whose term of service in the United States Senate expired this year. On the occasion of this appointment, Gen. Schuyler delivered a feeling address to the Legislature, in which he alluded to the many tokens of confidence on the part of his fellow-citizens, which he

had received during the forty years he had been in the public service, and expressed the most friendly sentiments towards those who differed from him in relation to public men and measures, and his sincere desire for the preservation of our civil institutions, and for the prosperity of the State.

On the 6th of February, 1797, a celebration of the ninth anniversary of the treaty of alliance between France and America, was held in the city of New-York, at which a large number of French citizens, and many of the most prominent Republicans in the State, were present. One of the regular toasts drank on the occasion was: "*The British Treaty*: may it be an awful lesson, how to trust to the justice and magnanimity of those who ever have, and still do seek, the ruin of our Commerce and destruction of our Liberty." Chancellor Livingston, who attended the meeting, gave the following toast: "May the present coolness between France and America, produce, like the quarrels of lovers, a renewal of love!" This gentleman, it will be borne in mind, was one of the most ardent supporters of the Federal Constitution at the Poughkeepsie Convention, in 1788. About the year 1790, he and his immediate connections, known as the "Livingston family," with the exception of a portion of them who resided in Columbia county, shifted their position, and became zealous Republicans. Chancellor Livingston was one of the most eloquent men in the State, and possessed talents highly respectable, both as a lawyer and a statesman. It is said that the change in his political course was prompted by jealousy of the growing influence of

Gen. Hamilton, and disappointment in not being made Chief Justice of the United States; although the reason which he himself alledged was, his opposition to the funding of the National Debt, and the chartering of a National Bank.

The Republican party gained considerable ground at the April election, in 1797. Ezra L'Hommedieu, previously elected as a Federalist, but who now acted with the Democratic party, was returned as a Senator from the Southern District. Messrs. Van Vechten, Ten Eyck, Van Schoonhoven and Clark, elected in the Eastern District, and Messrs. Phelps, Morris and Myers, in the Western District, were all Federalists. The Republican candidates for the Assembly, in the city of New-York, were elected by an average majority of one thousand. Among them, were Aaron Burr, Dr. Samuel L. Mitchell, and Dewitt Clinton. Mr. Clinton was the son of Gen. James Clinton, and a nephew of George Clinton. He was a graduate of Columbia College, where he distinguished himself by his scholarship and talents, and commenced reading law in the office of Samuel Jones; but afterwards, upon the death of an elder brother, who had occupied the station, he was appointed Private Secretary to his uncle, then Governor of the State. He identified himself with the Republican party at an early age, and was regarded as one of its most active and useful members. The interference of the French Minister in our domestic affairs, and the course of the leading Republicans, in expressing their sympathy with the French Revolutionists, at one time induced him so far to waver in his political faith, that many promi-

nent Federalists, among whom was Gen. Hamilton, entertained strong hopes that he would unite with the Federal party. In this expectation, however, they were disappointed, for it appears that he never lost the confidence and esteem of his Republican friends. At the time of his election to the Legislature, he was about twenty-eight years old.

The annual session of the Legislature commenced at Albany, on the 2d of January, 1798. Derick Ten Eyck, the Federal candidate, was elected Speaker, over William Dunning, a Republican member, by fifty-nine to forty-two, a strict party vote. The Governor's speech introduced no new topics of special importance; neither did it allude to the political questions upon which the two parties were divided. On the 3d of January, Ezra L'Hommedieu, William Thomson, Moses Vail, and Joseph White, were elected members of the Council of Appointment. Mr. Spencer offered a resolution, at an early day in the session, declaring the seat of Samuel Jones in the Senate to be vacant, in consequence of his acceptance of the office of Comptroller. The resolution gave rise to considerable debate, but was finally defeated by a large majority. On the 12th of January, John Sloss Hobart, one of the Judges of the Supreme Court, was appointed to fill the vacancy occasioned by the resignation of Gen. Schuyler as a member of the United States Senate. Judge Hobart was not bred to the profession of the law, but had been appointed a Judge in 1777, on account of his sterling patriotism and sound judgment. The fact that he did not belong to the legal profession, was the reason that Robert Yates

had been appointed Chief Justice, when the former was the senior Judge. Soon after the election of Judge Hobart to the Senate, he addressed a letter to the Legislature, in which he spoke very feelingly of the sacrifices he had made, during the time he had occupied a place on the bench of the Supreme Court, and stated that he accepted the office of Senator, in the full confidence that the Legislature would "not suffer an old servant to drink of the bitter cup of poverty and distress, in the evening of his life." An attempt was made, at this session, to pass a law making some pecuniary provision for Judge Hobart, and Chief Justice Yates, whose term of office was also about to expire, and who subsequently died poor; but nothing effectual was ever done in regard to the subject.

In the month of February, John Lansing, Jr., was appointed Chief Justice, and James Kent one of the Associate Judges, of the Supreme Court of the State. During the winter, also, Robert McClellan, afterwards a defaulter, was appointed Treasurer, and Daniel Hale, Secretary of State, in the place of Mr. Scott, deceased. Toward the latter part of the session, Ambrose Spencer left the Federal party, and united with the Republicans. The Legislature adjourned on the 7th of April, and, shortly after, Judge Hobart was appointed by the President, District Judge for the District of New-York; and Gov. Jay appointed Gen. William North to supply the vacancy in the Senate during the recess.

Preparations were made, early in the season, for the spring election. On the 6th of March, at a meeting of the Federal members of the Legislature, and a number of citizens from different parts of the State, John



Jay and Stephen Van Rensselaer were nominated for re-election. The Republicans nominated Chancellor Livingston, in opposition to Mr. Jay, but, as it was understood, generally concurred in the support of Mr. Van Rensselaer. The election passed off very quietly. The dissatisfaction in relation to the unpopular measures of the administration of Mr. Adams, which soon after produced a political revolution in the country, had not yet extended very far, owing in some degree, perhaps, to the offensive conduct of the French Republic toward the American Government; and Gov. Jay was re-elected by the large majority of two thousand three hundred and eighty votes, although the result, in other respects, indicated quite plainly, that the Republican party were every day gaining additional strength. Dewitt Clinton and David Gelston were elected to the Senate, from the Southern District; Ambrose Spencer, John Schenck, and Ebenezer Foote, from the Middle; Leonard Gansevoort, John Frey, and John Sanders, from the Eastern; and William Beekman, Frederick Getman, and Thomas R. Gold, from the Western District. The Republican candidates for members, among whom were Aaron Burr and John Swartwout, were elected in the city of New-York. Washington county also returned Democratic members. Several gentlemen, afterwards prominent members of the Democratic party, made their first appearance in public life this year, as members of the lower house. Among them were, David Thomas, of Washington county, Erastus Root, of Delaware, Archibald Mc Intyre, of Montgomery, Obadiah German, of Chenango, and Jedediah Peck, of Otsego.

The Legislature met at Albany in the month of August, 1798, in pursuance of the proclamation of the Governor. Derick Ten Broeck was chosen Speaker. The Governor's speech was mainly confined to national affairs, and warmly urged upon the Legislature the importance of making preparations for the anticipated war with France, growing out of the depredations upon American commerce by French cruisers; the refusal of the Executive Directory to receive Mr. Pinckney, the American Plenipotentiary; and the indignity subsequently shown to John Marshall and Elbridge Gerry, who had been sent out to join Mr. Pinckney, as Envoys Extraordinary, in attempting to extort money as a preliminary step to negotiation. The conduct of the French Government, and the dictatorial tone of their agents in this country, had justly excited the public indignation, and the recommendations of Gov. Jay were at once adopted by the Legislature. At this session, James Watson was chosen as the successor of Judge Hobart, in the United States Senate, whose place had been temporarily filled by the appointment of Gen. North. John Tayler was supported by the Democrats, in opposition to Mr. Watson. In the Assembly, the vote stood fifty-seven for Mr. Watson, and forty-eight for Mr. Tayler.

The Legislature re-assembled at Albany, on the 2d day of January, 1799. The Council of Appointment chosen this year, consisted of Wm. Dunning, Ebenezer Foote, Ebenezer Clark, and John Frey. Mr. Dunning was the only Republican member of the Council, and owed his election to the fact, that his

District (the Southern) was represented entirely by Democratic Senators. At this session, a bill was introduced into the Assembly, dividing the State into districts, for the election of Presidential Electors by the people, and directing the State Senators to be chosen in single districts. This project was brought forward by the Republican members, in the hope of securing a part of the electoral college, as it was feared that the Federalists would elect a majority of the members of the Legislature in April, 1800. The measure was also supported by some eight or ten members who had been elected as Federalists, but who generally voted with the Democratic party; the most prominent of whom were, Obadiah German, Judge Peck, and Mr. McKinstry of Hudson. They were, in the political parlance of the day, usually denominated as *trimmers*; and, it is said, that it required all the tact and address of Col. Burr to manage them. This charge, however, is scarcely warranted by the subsequent conduct of these gentlemen. Indeed, it is well known that, early in 1798, a large portion of the Federal party began to have serious misgivings as to the propriety of the measures adopted by the General Government. Many of the leading Federalists were, even at that late day, in the habit of openly expressing their doubts of the success of our Democratic institutions. At the formation of the Government, Gen. Hamilton, and others, had avowed their want of confidence in the capacity of man for self-government; and the former had said, in a speech delivered in New-York, that the people were "their worst enemies." He also spoke of the Consti-

tution, in a letter written to Timothy Pickering, after its adoption, as being an "*experiment*" reluctantly yielded to the prejudices of the people. Gov. Jay, in his letter to Gen. Washington, dated March 7, 1787, expressed similar sentiments; and when it was perceived that these two leaders of the Federal party, were almost the sole dispensers of the patronage of the General and State Governments, in New-York, a feeling of distrust began to pervade the minds of the more liberal Federalists. The decided opposition of the prominent Republicans in the Union, among whom were Thomas Jefferson, Benjamin Franklin, George Clinton, and Samuel Adams, to the measures of the existing Federal administration—to the standing army raised in time of peace—the alien and sedition laws—and the revival of the odious stamp duty—contributed largely to increase the number of their adherents, and ultimately enabled them, in the great contest of 1800, to achieve a triumphant victory over their opponents. Notwithstanding the nominal Federal majority in the Assembly, the bill providing for the division of the State into districts, passed that body, but was defeated in the Senate.

At this session, also, the celebrated Virginia and Kentucky Resolutions, drawn by Mr. Madison, which denounced the alien and sedition laws, and other leading measures of the administration of the elder Adams, were communicated to the Legislature by the Governor. On taking the subject up in the Assembly, Mr. King, a Federal member, offered a joint resolution, declaring that the right of deciding on the constitutionality of all laws belonged to the National Judiciary, and

that the individual States could not assume that right, without destroying the independence of the General Government. This extraordinary doctrine was earnestly and ably combatted, by Erastus Root, and others, but the resolution finally passed by a vote of fifty to forty-three. In the Senate, there were but seven votes against it, viz: Messrs. Adison, Dunning, L'Hommedieu, J. Schenck, Spencer, Tappan, and Tillotson. Dewitt Clinton was absent, at the time the vote was taken, but would, undoubtedly, have opposed the resolution, had he been present. Judge Spencer, who had formerly been an active Federalist, changed his political associations towards the close of the session of 1798, and was understood to belong to the Democratic party at the time of his re-election to the Senate, in the spring of that year.

A bill passed the Assembly during the session of 1799, providing for the gradual abolition of slavery, but was rejected in the Senate. Judge Peck introduced a bill abolishing imprisonment for debt, which was defeated by a decisive vote. A few days previous to the adjournment, the notorious bill, chartering the Manhattan Bank, was passed. This act was entitled, "an act for supplying the city of New-York with pure and wholesome water," and a large majority of the members were entirely ignorant of the provision conferring banking powers upon the company. The most active agent in maturing this scheme, was Col. Burr; who, with his political friends, afterwards obtained a majority of the stock, and controlled the operations of the company.

The election in April, 1799, resulted unfavorably

to the Democratic party. This result was produced, in part, by the disclosure of the fraudulent means which were used in obtaining the charter of the Manhattan Bank. The Republican ticket in the city of New-York, at the head of which was Col. Burr, was defeated by about nine hundred majority. In Columbia county, also, the Federal ticket succeeded, contrary to the expectations of the opposition. Judge Peck was returned from Otsego, in spite of the efforts of Judge Cooper, and other influential Federalists. The Federal candidates for Senators, Messrs. Hatfield and Coles, were elected in the Southern District. In the Middle District, Isaac Bloom, John Hathorn, and John Suffern, Republicans, were elected. Zina Hitchcock, Ebenezer Russell, and Moses Vail, from the Eastern District; and Moss Kent and Vincent Matthews, from the Western, were elected by the Federalists.

During the summer of 1799, the prosecutions which were instituted under the alien and sedition laws, turned the current of public opinion strongly in favor of the Democratic party. Charles Holt, printer of the Bee, an influential Democratic journal, published at New-London, Connecticut, was prosecuted and imprisoned. A Mr. Baldwin, of New-Jersey, was fined one hundred dollars, for expressing the wish that the wadding of the cannon, fired on the occasion of Mr. Adams' passing through Newark, had lodged in the President's backside. Judge Peck, of Otsego county, was also prosecuted, for circulating a petition, written by Gen. John Armstrong, in his usual caustic style, for the repeal of the alien and sedition laws. These, and similar circumstances, contributed, in a wonder-

ful degree, to increase the feeling of antipathy to the measures of the Federal party, and eventually threw them into a minority in the State and nation.

George Washington died at Mount Vernon, on the 9th day of December, 1799. The intelligence of his dissolution flew, like an electric shock, from one extremity of the Union to the other. The embittered partizan feelings of the hour were at once hushed, in view of the irreparable loss which the nation had sustained. The strife of party, and the fierce contests of opposing factions, gave way to the spontaneous tributes of grateful affection, which swelled in every heart, and trembled on every lip. The eventful career of "the Cincinnatus of the West," had been invested with an air of moral grandeur, without parallel in the history of the world; and it was, indeed, most appropriate, that its close should be attended with the blessings of his countrymen, and that his services and fame should be embalmed in the memories of a free and happy people. The recollection of such a life—the spectacle of such a death—might well put to shame the fondest hopes of the demagogue, and the brightest aspirations of the statesman.

The New-York Legislature assembled at Albany, on the 28th day of January, 1800. Mr. Ten Broeck was re-elected Speaker. The Governor's speech alluded, in just and eloquent terms, to the life and character of Gen. Washington, and recommended further statutory provisions for the support of common schools, and sundry amendments of the existing laws of the State. Samuel Haight, Robert Sands, James Gordon, and Thomas R. Gold, were elected members of the

Council of Appointment, for the ensuing year. The salary of the Comptroller was reduced at this session, from three thousand to two thousand five hundred dollars. In consequence of this reduction, Mr. Jones declined a re-appointment, and John V. Henry, a member of Assembly from Albany, and afterwards known as a successful lawyer, was selected to fill the office. Judge Peck again brought forward his plan for dividing the State into districts, and the choice of Presidential Electors by the people. The bill encountered the zealous opposition of the Federalists, and was rejected in the Assembly, by a vote of fifty-five to forty-seven. On the 3rd day of April, Gouverneur Morris was elected to fill the vacancy in the United States Senate, occasioned by the resignation of Mr. Watson. Peter Gansevoort, of Albany, was supported as the candidate of the Republican members. The Legislature adjourned on the 8th of April, to meet again on the first Tuesday in November.

The April election terminated in the signal triumph of the Democratic party. Their candidates for the Assembly were elected in the city of New-York, and they also carried three of the four Senatorial Districts. Six of the ten Congressmen chosen at this election, were Republicans. The Eastern District returned James Gordon and Stephen Fink, as Senators. Wm. Dunning, Jonathan Purdy, and Benjamin Hunting, were elected in the Southern District; David Van Ness, Solomon Sutherland, John C. Hogeboom, Jacobus S. Bruyn, and James W. Wilkin, in the Middle; and Robert Roseboom and Jedediah Sanger, in the Western District. All the Senators elect, with the ex-



ception of those from the Eastern District, and Mr. Sanger, who was supported by the Federalists, and afterwards acted with them, were Republicans. Considerable tact was manifested in selecting the Republican ticket in New-York city. The rivalry between the two families, of the Livingstons and Clintons, and the jealousy which both entertained of Col. Burr, required the most careful management. Through the adroitness of Col. Burr, a ticket was finally selected, at the head of which was placed Gov. Clinton. Brockholst Livingston, John Swartwout, the intimate friend of Burr, Gen. Horatio Gates, one of the heroes of the revolution, John Broome, subsequently Lieut. Governor of the State, Henry Rutgers, and Samuel Osgood, were among the other candidates. It was an easy matter to unite the Democratic party in support of such a combination of talent and influence, and the result proved the fitness of the selection. Col. Burr himself, was elected a member from the county of Orange. Smith Thompson, late one of the Associate Judges of the United States Supreme Court, entered into public life this year, as a member from Dutchess county.

The result of the New-York canvass, rendered the election of Mr. Jefferson, as President, almost a matter of certainty. Congress was in session at this time, and arrangements were immediately set on foot by the Republican members, to promote the election of their candidates. As there was not a dissenting voice heard in opposition to Mr. Jefferson, it only became necessary to fix upon a candidate for the Vice Presidency; and, at an informal caucus, held at Philadelphia in the month of May, it was agreed that

that officer should be taken from New-York. The names of Chancellor Livingston, Gov. Clinton, and Col. Burr, were mentioned ; but as the state of public feeling in New-York was not then known, it was thought advisable to postpone all definite action, until Mr. Gallatin had corresponded with his friends at home. That gentleman accordingly addressed a letter to Com. Nickolson, making the necessary inquiries. The Commodore was soon convinced, that the deafness of Chancellor Livingston rendered him altogether impracticable, and decided on recommending the nomination of Gov. Clinton, who had earnestly refused the use of his name, on account of his advanced age, impaired health, and the situation of his family, but finally gave his consent, with the understanding that he should be at liberty to resign, when he felt it to be necessary for him so to do. On showing the letter which he had written, to Col. Burr, the latter expressed some dissatisfaction with the Commodore's recommendation, and the interview ended in the substitution of the name of Burr, for that of Gov. Clinton. Whatever may have been Gov. Clinton's views in regard to this ungenerous treatment, he supported the nomination of Jefferson and Burr, with perfect good faith, both in the Legislature and out of it.

On the 7th day of May, Gen. Hamilton, at the instigation of a caucus of his political friends, held in the city of New-York, addressed a letter to Gov. Jay, warmly urging upon him the importance of calling an extra session of the existing Legislature, a majority of which were Federalists, for the purpose of fore-

stalling the action of their successors in the choice of Presidential Electors, or of dividing the State into Electoral Districts, in the hope that a sufficient number of Electors might be secured to defeat Mr. Jefferson. Gov. Jay, as has been previously mentioned, refused to listen to the entreaties of Gen. Hamilton; which put an end to this attempt to frustrate the wishes of the people. The conduct of Gen. Hamilton during the Presidential canvass, furnishes many strong arguments to show that he regarded President Adams as a rival in the affections of the northern Federalists. On the 22d of October, 1800, a few days previous to the choice of Presidential Electors, a pamphlet, attacking "the public conduct and character of John Adams," in the most vindictive language, which was written by Gen. Hamilton, in the form of a letter, and doubtless intended for his confidential friends, was made public, and widely circulated throughout the Union. The letter spoke of Mr. Adams as being "a man of an imagination sublimated and eccentric, propitious neither to the regular display of a sound judgment, nor to steady perseverance in a systematic plan of conduct; and to this defect is added the unfortunate foible, of a vanity without bounds, and a jealousy capable of discolored every object." The writer also avowed his preference for Mr. Pinckney, of South Carolina, at the election in 1796; and, while he did not "advise the withholding from Mr. Adams a single vote" at the then approaching election, he claimed "an equal support" for Mr. Pinckney. How far the statements in this letter, and the conduct of Gen. Hamilton himself, warranted the charge which

was then made against him, that he desired the election of a Southern man, in order to hasten his own elevation to the Presidential chair, the reader will determine.

The new Legislature convened on the first Tuesday in November. Samuel Osgood, of New-York, was chosen Speaker. The two houses immediately proceeded to the business of the session: the choice of Presidential Electors. The Senate nominated Federal, and the Assembly Republican Electors. On joint ballot, the following gentlemen, all of whom were Republicans, were elected, by twenty-two majority, viz: Isaac Ledyard, Anthony Lispenard, Pierre Van Cortland, Jr., James Burt, Gilbert Livingston, Thomas Jenkins, Peter Van Ness, Robert Ellis, John Woodworth, Jeremiah Van Rensselaer, Jacob Acker, and Wm. Floyd; and on the 6th of November, Gen. John Armstrong was unanimously elected a United States Senator, in the place of John Lawrence, who had resigned. On the 7th of November, a resolution was offered in the House, providing for the election of a Council of Appointment. In 1794, the Federalists contended that the members of the Council held their offices only until the election of their successors, while the Republicans held that the term of office continued one year. Upon the introduction of this resolution, a violent debate arose, in the course of which the two parties reversed the positions which they had formerly occupied. The discussion closed with the adoption of the resolution, and Dewitt Clinton, Ambrose Spencer, Robert Roseboom, and John Sanders, were elected members of the Council for the

ensuing year. Mr. Sanders was the only Federal among the number. The old Council, however, unlike their Republican predecessors in 1794, continued to act until the close of the year, notwithstanding they had once advocated the doctrine that it was "a dangerous and unconstitutional usurpation of power." The Legislature adjourned on the 8th of November, to the last Tuesday in January; at which time it re-assembled.

But little business of importance was transacted, in either house, during the winter session of 1801. On the 11th day of February, Gov. Jay met the new Council of Appointment. The Governor nominated Jesse Thompson, for Sheriff of the county of Dutchess, and the Council refused to concur in the nomination. He then nominated seven other persons, in succession, for the office, who were all rejected. At the same meeting, other nominations were made which were approved. The Council then adjourned to the 18th of February, at which time Robert Williams, a Republican, was appointed Sheriff of Dutchess. On the 24th, another meeting was held, at which the Governor nominated Benjamin Jackson, as Sheriff of Orange county. The Council rejected this nomination, and several others, which were made for the same office. Dewitt Clinton then nominated John Blake, Jr. The Governor declined putting the question, and nominated John Nickolson; whereupon the Republican members of the Council refused to vote. Mr. Jay then stated that he desired time to consider upon the proper course to be pursued, and the Council adjourned. They were never convened again du-

ring the administration of Gov. Jay. It will be seen that the same questions which had previously arisen between Gov. Clinton and a Federal Council, were those upon which Gov. Jay and the Republican Council now disagreed. The Governor insisted on the exclusive right of nomination, and the Council claimed a concurrent right. On the 26th of February, Gov. Jay sent a message to the Legislature, setting forth the difficulties between himself and the Council, and asking their direction in the premises. A resolution was adopted by the Assembly, declaring that the question was a constitutional one, which it belonged to the Governor and Council to decide. The Governor also addressed the Chancellor, and Judges of the Supreme Court, requesting their opinion; which they unanimously declined giving, on the ground that it was wholly an extra judicial matter. On the 17th of March, Messrs. Clinton, Spencer, and Roseboom, addressed a communication to the Assembly, in which they went into a train of argument to establish the right of the Council to make nominations, and instanced the appointment of Judge Benson during the administration of Gov. Clinton. This communication reflected, in pretty severe terms, on the conduct and motives of Gov. Jay, and is said to have been written by Judge Spencer.

Previous to the adjournment of the Legislature, a bill was passed, directing the sum of one hundred thousand dollars to be raised, by four successive lotteries; twelve thousand five hundred dollars of which should be distributed by the Regents of the University, among the academies; and the residue appropria-

ted for the encouragement of common schools. The most active members in procuring the adoption of this measure, were Judge Peck, of Otsego, and Adam Comstock, of Saratoga. The dispute between the Governor and Council, rendered it desirable that this vexed question of the right of nomination should be settled, and, for this purpose, an alteration of the Constitution was suggested. As that instrument contained no provision for its amendment, the Legislature passed a law on the 6th of April, entitled, "An act recommending a Convention." By this law, all freemen, over twenty-one years of age, were allowed to vote for delegates to attend a Convention, to be held at Albany, on the second Tuesday of October, to take into consideration the provisions of the Constitution in relation to members of the Senate and Assembly, and the powers of the Governor and Council of Appointment.

During the winter of 1801, the singular and unexpected result of the Presidential election, occasioned no little excitement. Upon canvassing the votes, it was found that Mr. Jefferson and Mr. Burr had each received seventy-three votes, Mr. Adams sixty-five, and Mr. Pinckney sixty-three. There was, of course, no election by the Electors, and the matter was referred to the House of Representatives. The vote was taken in that body, by States. Eight out of the sixteen States were Republican, six Federal, and two equally divided. A majority of the whole was necessary to a choice. In this condition of things, the charge was brought against Col. Burr, of intriguing to secure his own election, in preference to that

of Mr. Jefferson. Indeed, it appears from the statement of Jonathan Dayton, one of the leaders of the Federal party in New-Jersey, that the Electors of that State, who were Federals, had previously entered into an arrangement with Col. Burr, to vote for him, in case the defeat of Mr. Adams was rendered certain, even with the vote of that State, and to leave off the name of Mr. Jefferson, which would have secured his election. This plan was not carried into effect, for the reason that the result in Pennsylvania was different from what had been anticipated. Mr. Burr, and his intimate friend and adviser, William P. Van Ness, were in Albany while the exciting scenes of the Presidential contest were transpiring at Washington. Previous to the election in the House of Representatives, the latter addressed a letter to Edward Livingston, a member of Congress from this State, in which he stated that "it was the sense of the Republican party of this State, that after some trials in the House, Mr. Jefferson should be given up for Mr. Burr." These, and other facts, were adduced in support of the charge of bad faith made against Col. Burr, and were commented on, at length, in the "View" of his political conduct, written by Mr. Cheetham, and published in 1802. Judge Van Vess, on the other hand, denied the imputation of sinister motives, in a pamphlet written by him over the signature of 'Aristides'. It was impossible to convict Col. Burr of an overt act of treachery to the Republican party; still, it is not to be doubted that he was cognizant of the movements which would be made at Washington, inasmuch as a confidential friend of his, David A. Ogden, was there



during the whole time, and probably had some previous communication with him. The warmest friends of Col. Burr cannot deny, that it was in his power to have prevented the result which ensued. He was not the candidate of the party for the Presidency, although, under the existing law, he might have been chosen by the House; and every thing goes to show, that he was willing to be used by the Federalists to defeat Mr. Jefferson. After balloting thirty-six times, the contest finally terminated in the choice of Mr. Jefferson as President, and Mr. Burr as Vice President. This result was produced by Mr. Bayard, a Federal member from Delaware, who changed his vote, from Burr to Jefferson.

The rejoicings of the Democratic party in this State, over the result of the election, were of the most enthusiastic character, and vigorous preparations were at once made, for the success of the Republican ticket at the approaching Gubernatorial election. Gov. Jay had previously, on several occasions, signified his intention to retire to private life, at the close of his official term, and, in December, 1800, he had declined a re-appointment to the office of Chief Justice of the United States, tendered to him by Mr. Adams. His views were feelingly expressed, in a letter addressed to the Federal members of the Legislature, in reply to their solicitations to become a candidate for another term. His determination could not be shaken; and he left the public service, amid the regrets of the party which had elevated him to the high station he had occupied, and with the sincere respect and esteem of by far the larger portion of his political opponents.

## CHAPTER IV.

1801—George Clinton elected Governor, and Jeremiah Van Rensselaer Lieutenant Governor—Details of the April Election—Election of Delegates to the State Convention—William P. Van Ness, Daniel D. Tompkins—Proceedings of the Convention—Proposed Amendments to the Constitution—Gov. Clinton and the old Council of Appointment—Divisions of the Republican Party—Movements of Dewitt Clinton and Ambrose Spencer—the Clinton and Livingston families—Sylvanus Miller, Thomas Tillotson, Elisha Jenkins—Removals of the Council—Controversy between Mr. Spencer, and Judge Foote, of Delaware county—The Central Appointing Power—Resignation of Chancellor Livingston, and Appointment of John Lansing, Jr.—Morgan Lewis appointed Chief Justice, and Brockholst Livingston and Smith Thompson, Judges of the Supreme Court—Session of the Legislature in 1802—Dewitt Clinton appointed United States Senator—New apportionment of the Members of Assembly—Election in April, 1802—Col. Burr abandoned by a majority of the Republican party—Cheetham's Review of Burr's Conduct—Pamphlet of Judge Van Ness—Duel between Dewitt Clinton and John Swartwout—Legislature of 1803—Solomon Southwick—Gen. Bailey elected United States Senator, over Mr. Woodworth, the regular candidate of the Republican Caucus—Abraham Van Vechten—Charter of the New-York State Bank—April Election in 1803—Success of the Democratic Party throughout the Union—Dewitt Clinton appointed Mayor of the city of New-York, and Gen. Bailey Postmaster—Legislature of 1804—John Armstrong and John Smith elected United States Senators—Ambrose Spencer appointed a Judge of the Supreme Court, and John Woodworth Attorney General—The Restraining Law—Prosecution of Harry Crosswell for Libel—Nomination of George Clinton as the Republican candidate for Vice President—Morgan Lewis selected by the Republicans as their candidate for Governor—Col. Burr the opposing candidate—1804.

GEORGE CLINTON and Jeremiah Van Rensselaer were put in nomination for the offices of Governor and Lieutenant Governor, at an early day, by the Republican members of the Legislature. After the declension of Gov. Jay, the Federalists nominated Stephen

Van Rensselaer and James Watson. At the election in April, 1801, Mr. Clinton was elected Governor, by three thousand nine hundred and sixty-five majority, and the general result was highly favorable to the Democratic party. A large majority of the members of Assembly elected were Republicans. The Senators chosen, were equally divided. Ezra L'Hommedieu from the Southern; James G. Graham, Jacobus S. Bruyn, and Peter Van Bergen, from the Middle; and John Tayler and Christopher Hutten, from the Eastern District, were Republicans. Abraham Van Vechten, Ebenezer Clark, and James Van Schoonhoven, from the Eastern; and Lemuel Chipman, John Myers. and Isaac Foote, from the Western District, were Federalists. The result in the Western District was wholly unexpected, as it had given a Democratic majority in 1800, and was probably occasioned by local causes, not particularly connected with political questions.

The election of delegates to the State Convention, called in pursuance of the act of the Legislature, came off in August, 1801. Several gentlemen who subsequently took an active part in the politics of the State, were elected members of the Convention. John V. Henry was chosen from Albany county; Dewitt Clinton, from Kings; Smith Thompson, from Dutchess; Aaron Burr, from Orange county; and William P. Van Ness, and Daniel D. Tompkins, afterwards Governor of the State, from the city of New-York. A large majority of the delegates were Republicans. The Convention met at Albany, on the 13th day of October, and organized by the unanimous election of Col. Burr, as President. The busi-

ness of the Convention was restricted by the act, to two subjects. The reduction and limitation of the number of members of the two houses of the Legislature, was soon disposed of, by the adoption of amendments, providing "that the number of members of Assembly, hereafter to be elected, shall be one hundred, and shall never exceed one hundred and fifty;" and that the Senate should consist of thirty-two members, to be apportioned by the Legislature among "the four great Districts of the State." The Legislature were also authorized, on the return of every census, to increase the number of members of Assembly, at the rate of two members for every year, until the whole number amounted to one hundred and fifty. The remaining question, as to the construction of the provision of the Constitution in relation to the right of nomination to office, gave rise to a debate, in which Mr. Henry argued in favor of the exclusive right of the Governor to make nominations, and Dewitt Clinton took the opposite ground. The debate was ended, as might have been expected from the singular position which both parties had occupied on this subject, by the passage of an amendment, declaring "that by the true construction of the twenty-third article of the Constitution of this State, the right to nominate all officers, other than those who by the Constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this State for the time being, and in each of the members of the Council of Appointment." But fourteen members voted against the adoption of the last amendment, among whom was Daniel D. Tompkins,

who subsequently, in the Convention of 1821, congratulated himself, that, at the early age of twenty-six, he had resisted this encroachment on the rights of the Executive. Dewitt Clinton also lived to regret, from his own experience, that he had sanctioned so violent a construction of the Constitution.

The old Council of Appointment continued in office after the expiration of Gov. Jay's term, in July, and were called together by Gov. Clinton, on the 8th of August, and on several subsequent occasions. The movements of this Council created no little disturbance in the public mind, and exercised a controlling influence over the politics of the State for a series of years. The Republican party in New-York may be said to have had, at the time of which we are speaking, three separate leaders. These were, the Clintons, the Livingstons, and Aaron Burr. The friends of Gov. Clinton were by far the most numerous; the Livingstons possessed more influence, on account of their great wealth; and Col. Burr was supported by a small number of zealous personal adherents, and devoted admirers of his unrivalled talents, as a political tactician and manager. The Clintons were represented in the Council, by the nephew of the Governor; and the Livingstons, by their relative, Mr. Spencer. Mr. Roseboom, the other Republican member of the Council, does not appear to have been a very shrewd politician, and was easily persuaded to follow the lead of Messrs. Clinton and Spencer, on all important questions. These two gentlemen were then in the meridian of life; both were active, talented, and ambitious. Previous to the meeting of

the Council in August, the conduct of Col. Burr during the late Presidential election, had been severely criticised, and, it would seem, that he had already lost the confidence of a large majority of the Republican party. Dewitt Clinton had also publicly avowed the opinion, that the principal Executive offices in the State, ought to be filled by the friends of the administration, and the more unimportant offices proportionately distributed between the two parties. The result was, that all the important appointments were divided among the Clintons and Livingstons, and their personal friends and supporters.

At the first meeting of the Council, several gentlemen were appointed to office, whom Gov. Jay had previously refused to nominate. Sylvanus Miller, then a resident of the county of Ulster, and through life the unwavering friend of Dewitt Clinton, was appointed Surrogate of New-York. Edward Livingston, then a representative in Congress, was created Mayor of the city. Doct. Thomas Tillotson, a connection of the Livingston family, by marriage, was appointed Secretary of State, in the place of Daniel Hale, removed. Elisha Jenkins, a merchant in the city of Hudson, was made Comptroller, in the place of John V. Henry, also removed. Mr. Henry refused, ever after, to accept any office, and devoted himself wholly to his profession. Various other removals from minor offices, were made at this meeting of the Council, for which no reason was given, except that the political opinions of the incumbents differed from those of the majority. Gov. Clinton did not concur in the propriety of these removals, and

caused his protest against the same to be entered on the journal. In other cases of a similar kind, he refused to sign the minutes of the Council.

A meeting of the Council was held on the 11th of August, at which Richard Riker was appointed District Attorney, in the place of Cadwallader D. Colden; Teunis Wortman, Clerk of the city of New-York, in the place of Robert Benson; John B. Prevost, Recorder, in the place of Richard Harrison; and John McKisson, Clerk of the Circuit, in the place of William Coleman, who afterwards established the Evening Post, under the patronage of Gen. Hamilton, and was understood to promulgate the sentiments of that gentleman through its columns.

At the subsequent meetings of the Council, a great number of removals and appointments were made, in addition to those above enumerated. Among others, Ebenezer Foote, a gentleman of very respectable standing, and a Federalist of considerable influence, was removed from the office of Clerk of Delaware county, and Philip Gebhard appointed his successor. This removal was animadverted upon by the Federal press, and was defended by a writer in the Albany Register, over the signature of "Friend of Justice," who charged Mr. Foote with official misconduct, in causing Mr. Gebhard's name to be stricken from the roll of Attorneys of the Delaware Common Pleas. This article led to a correspondence between Mr. Foote and Mr. Spencer; the latter of whom was charged with being the author of the communication. In his reply to Mr. Foote, Mr. Spencer denied the authorship of the article, and, in speaking of Mr. Foote's

removal, said : "It was an act of justice to the public, inasmuch as in removing you, the veriest hypocrite and the most malignant villain in the State, was deprived of the power of perpetrating mischief. \* \* \* If, as you insinuate, your interests have by your removal been materially affected, then, sir, like many men more honest than yourself, earn your bread by the sweat of your brow." Mr. Foote replied to this severe, and scarcely merited rebuke, by attempting to give a sketch of Mr. Spencer's life, and charged him, among other things, with having deserted the Federal party, in consequence of Gov. Jay's refusal to nominate him to the office of Comptroller. This charge was not substantiated by any proof, although Mr. Spencer absolved the whole world "from the injunctions of secrecy, and the restraints of delicacy, on the subject," and was doubtless made without any foundation whatsoever, except mere surmise.

The twenty-eighth article of the Constitution of 1777 required, that "new commissions should be issued to Judges of the County Courts, other than the First Judge, and to Justices of the Peace, once at the least in three years." Under this provision, the majority of the existing Council of Appointment thought proper to issue new commissions to most of the counties in the State, in which the Federal Judges and Justices were omitted, and the names of Republicans inserted in their stead. In this way was the machinery of the appointing power first set in motion, and it continued to strengthen itself, until every nook and corner of the State was made to feel its influence. The dispensation of the Executive patronage soon be-



came, as it were, a political solar system of itself; every town and county possessing, in the persons of a few leading and active Republicans, the lesser luminaries, which borrowed the light, and reflected the radiance, of the great central sun at Albany. The sanctity of justice was invaded, in the prostitution of its ministrations to subserve the purposes of political aspirants, and the ermine of the bench polluted by the contaminations which were inseparable from the partizan contests of the day.

During this year, Chancellor Livingston became incompetent to hold his office, on account of his age, and was succeeded by John Lansing, Jr., then Chief Justice of the Supreme Court. Mr. Livingston was subsequently appointed Minister to France, and succeeded in negotiating the treaty for the acquisition of the Territory of Louisiana. The vacancies on the bench of the Supreme Court, occasioned by the promotion of Judge Lansing, and the resignation of Judge Benson, who had been made a Judge of the United States Supreme Court, were filled by the appointment of Morgan Lewis, a connection of the Livingston family, as Chief Justice; and of Brockholst Livingston, as an Associate Judge. Smith Thompson, who married a Livingston, was also appointed an Associate Judge of that Court.

The next session of the Legislature commenced on the 26th day of January, 1802. Thomas Storm, of New-York, was chosen Speaker. Benjamin Hunting, James W. Wilkin, Edward Savage, and Lemuel Chipman, were elected members of the Council of Appointment. Gen. Armstrong resigned his seat in

the United States Senate, early in the session, and, on the 4th of February, Dewitt Clinton was appointed his successor. At the first meeting of the new Council, Ambrose Spencer was appointed Attorney General, in the place of Mr. Hoffman, who had resigned the office. William Stewart, of Tioga county, a brother-in-law of Gov. Clinton, was restored to the office of District Attorney of the counties of Ontario, Tioga, &c., from which he had been removed by the Federal Council during Gov. Jay's administration, and which had become vacant by the resignation of Nathaniel W. Howell. At the session of the Legislature in 1802, but little business of importance was transacted, except the apportionment of the members of Assembly among the several counties of the State, according to their population. A resolution was also introduced, by Mr. Clinton, proposing an amendment to the Constitution of the United States, which provided for the division of the State into single Electoral Districts, and required the electors to designate on the ballot, which candidate was their choice for President, and which for Vice President. This resolution was adopted.

The Republican party succeeded in electing all the Senators, and a majority of the members of Assembly, at the election in April, 1802. No Senators were elected in the Eastern District this year. John Schenck was chosen in the Southern District; Solomon Sutherland and Abraham Adriaance, in the Middle; and Jacob Snell, Matthias B. Talmadge, Asa Danforth, Joseph Annin, and George Tiffany, in the Western District.

Soon after the spring election, Col. Burr was openly denounced by the majority of the Democratic party. 'The American Citizen, their organ in the city of New-York, denounced him as a traitor to the cause, and charged him with intriguing to defeat Mr. Jefferson, and to secure his own election to the Presidency. James Cheetham, an Englishman by birth, and a vigorous political writer, was the senior editor of this paper, and was supposed to be under the influence of Dewitt Clinton. On the other hand, the Morning Chronicle, which had been established by Col. Burr and his friends, and was edited by Dr. Irving, a gentleman of very creditable literary attainments, accused the Clintons and Livingstons of being influenced by an unworthy ambition, and of corruptly parcelling out the offices in the State, among their own relatives and friends. It was also alledged, that the opposition to Col. Burr arose from a desire to place a favorite of one or the other of these families in the position he occupied. This controversy was carried to the extreme, on both sides, and seriously affected the social and pecuniary, as well as political relations, of those who were more prominently connected with it. The Manhattan Bank was at this time controlled by the opponents of Col. Burr, who succeeded in removing him, and his attached personal and political friend, Col. John Swartwout, from the board of Directors. Judge Brockholst Livingston was the successful candidate over Mr. Swartwout. While this controversy was pending, a serious difficulty arose between Dewitt Clinton and Mr. Swartwout. The former had applied to Mr. S. the offens-

ive epithets of "liar," "scoundrel," and "villain," in reference to the charge brought against himself, of opposing Col. Burr from selfish and unworthy motives, whereupon he received and accepted a challenge from Mr. Swartwout. Five shots were exchanged at the meeting, and Mr. Swartwout was twice wounded. Mr. Clinton declared that he had no personal enmity towards his opponent, and the latter was finally compelled to quit the field, upon the earnest remonstrance of the surgeons in attendance.

The celebrated pamphlet, written by Mr. Cheetham, entitled "A view of the Political Conduct of Aaron Burr," was published during this season, and was soon followed by another pamphlet, reviewing the course of the Clintons and Livingstons, signed "Aristides," and written by William P. Van Ness. These pamphlets reiterated the charges against Col. Burr, the Clintons, and Livingstons, of which we have before spoken, and were written in an extremely vituperative tone. Many new facts were adduced by Mr. Cheetham, which bore strongly against Col. Burr, and left little doubt in the minds of a great majority of his countrymen, that his integrity as a politician was deservedly suspected. The malignant feelings of the writer were so palpable in the production of Mr. Van Ness, that it failed of producing that counteracting influence for which it was probably designed. Still, it must be admitted, that the charge brought against the Clintons and Livingstons, of dividing the offices among themselves, was sustained by the facts. Most of the more valuable offices were held by the members, or connections, of these two families; and, it may

be added, as a palliating circumstance, at least, that they were, in general, exceedingly well filled. The Republican press out of the city of New-York, for a long time declined to interfere in this controversy; but the violent manner in which Dewitt Clinton and Ambrose Spencer, the acknowledged leaders of the party, had been denounced by Col. Burr, Mr. Van Ness, and others, induced Mr. Barber, the editor of the Albany Register, on the 16th of November, to declare that Mr. Burr had forfeited the confidence of the Republicans of the State. The Democratic journals in the interior, with a very few exceptions, fully concurred with the Register in this declaration.

The State Legislature assembled at Albany, on the 24th day of January, 1803. A very large majority of the Republican members were opposed to Col. Burr. Mr. Storm was re-elected Speaker. Solomon Southwick, then a young man, of fine talents and pleasing address, and the brother-in-law of Mr. Barber, the proprietor and editor of the Albany Register, was elected Clerk of the House, by a vote of forty-two, to thirty-one for Mr. Van Ingen, the old Federal incumbent; some ten or eleven Republican members voting, with the Federalists, for the latter gentleman. As the term of service of Gouverneur Morris was to expire on the 3rd of March, an active and spirited canvass was had, for his successor. Theodorus Bailey, of Dutchess county, and John Woodworth, of Rensselaer, were the Republican candidates. At the Republican caucus, held on the evening preceding the election, which took place on the 1st of February, Mr. Bailey had thirty votes, and Mr. Woodworth forty-

five. Matthias B. Talmadge, a Senator from the Western District, and the brother-in-law of Gen. Bailey, with James Burt, a member of the House, from Orange county, and a number of other Republican Senators and representatives, entered into a coalition with the Federalists, to elect Mr. Bailey, who was in Congress during the Presidential contest of 1801, and was said to be friendly to Burr, although he was afterwards appointed Postmaster at New-York, by Mr. Jefferson. The vote on Senator, in the House of Assembly, stood, for Woodworth fifty-three, Morris eighteen, and Bailey nineteen. Previous to the meeting of the Senate, a caucus of the Federal members was held, through the instrumentality of Abraham Van Vechten, at which it was decided to support Mr. Bailey, in opposition to Mr. Woodworth. When the nomination of a Senator was brought up in the Senate, the Federalists voted for Mr. Morris; consequently, there was no choice. A resolution was then offered, that Mr. Bailey be nominated on the part of that body, which was adopted by the votes of Messrs. Adriance, Bruyn, Gordon, Hatfield, Hathorn, Hunting, L'Hommedieu, Suffern, and Talmadge, Republicans, and Messrs. Chipman, Foote, Hitchcock, Kent, Lawyer, Van Schoonhoven, and Van Vechten, Federalists. Upon comparing nominations, it was found that the two houses disagreed; whereupon a joint ballot was had, the result of which was, that Mr. Woodworth had fifty-seven votes, and Mr. Bailey fifty-nine; the Federalists uniting with Mr. Talmadge, Mr. Burt, and their friends, in the support of the anti-caucus candidate.

During this session, a deficiency in the accounts of

the Treasurer, Robert Mc Clellan, who was appointed while Mr. Jay was Governor, to the amount of thirty-three thousand dollars, was discovered, and Abraham G. Lansing, a brother of the Chancellor, was appointed to the office, in his stead. A more rigid system of testing the correctness of the accounts of the financial officers of the State, was at the same time adopted. The New-York State Bank, at Albany, was incorporated this year, by an act which passed the Legislature on the 19th day of March. There were, at this time, but three banks north and west of the city of New-York: the Bank of Albany, chartered in 1792, with a capital of two hundred and forty thousand dollars; the Bank of Columbia, at Hudson, chartered in 1793, with a capital of one hundred and sixty thousand dollars; and the Farmers' Bank, between Lansingburgh and Troy. The Bank of New-York, which received a charter from the State in 1791, possessed a capital of one million of dollars, and was principally controlled by Federalists. The stock of the Manhattan Company, of which mention has already been made, was principally owned by members of the Republican party. The applicants for the charter of the New-York State Bank, a large majority of whom claimed to be Republicans, represented that the Bank of Albany was under the entire control of the Federalists, and that its influence was exerted to oppress business men connected with the Republican party. The petitioners also desired a lease of the salt springs in the State, for a period of years; stipulating that salt should always be in readiness for sale, at the works in Salina, at a price not exceeding five

shillings per bushel, and to pay the State the sum of three thousand dollars a year rent, for the first ten years; three thousand five hundred dollars for the second ten years; and four thousand dollars annually thereafter. Among the petitioners were, John Tayler, Elisha Jenkins, Thomas Tillotson, and Ambrose Spencer. Elkanah Watson was the most efficient agent of the company in procuring the charter of this avowed political machine, and in *drilling* the members into its support. The clause in relation to the salt works was stricken out of the bill, before its final passage; the Western members having protested against conferring this important monopoly on the company. In order to insure the passage of the bill, a pledge was given to some of the members, that those who voted for it should have stock in the bank. This was the origin of a corrupt practice, which afterwards exercised a powerful influence on the legislation of this State. The bills to charter the Merchants' Bank of New-York, and the Mercantile Company of Albany, failed of becoming laws at this session, in consequence, as was said, of the desertion of the friends of the New-York State Bank, after they had carried their own favorite measure.

The Council of Appointment chosen at the session of 1803, consisted of Ebenezer Purdy, John C. Hogeboom, Jacobus Van Schoonhoven, and Jacob Snell.

The Democratic party were successful at the April elections, in New-York, and in most of the other States in the Union. This result was mainly produced by the great personal popularity of Mr. Jefferson at the South, the repeal of the sedition law, and



the general prosperity of the country. John Broome was elected Senator in the Southern District ; Robert Johnson, Joshua H. Brett, and James Burt, in the Middle ; John Tayler, John Woodworth, Edward Savage, Simon Veeder, and Thomas Treadwell, in the Eastern ; and Caleb Hyde in the Western District. All the Senators elect were Republicans. The House of Assembly was composed of eighty-three Republicans, and seventeen Federalists.

Edward Livingston resigned the office of Mayor of New-York, in the summer of 1803, on account of its being incompatible with the office of United States Attorney for the district, to which he had been appointed, by Mr. Jefferson. The emoluments of the Mayoralty were at that time very considerable, and the office was eagerly sought after by men of the highest standing. Morgan Lewis, Chief Justice of the Supreme Court, and Dewitt Clinton, were both candidates for the office. The latter finally received the appointment, and resigned his seat in the Senate of the United States. Mr. Clinton had discharged the duties of Senator, in a manner highly creditable to his constituents, and his talents and character were held in high esteem. His prospects, in a political point of view, were never fairer, than at the very period when he determined upon leaving the Senate. His pecuniary circumstances were not such as to require his acceptance of the office of Mayor ; on the contrary, it proved in the end to be extremely disastrous to him in this respect. The only reason which can be offered, for his voluntary return to a participation in the broils and contests of the differ-

ent factions in the State, is, that he had been so long identified with the movements of the Democratic party, he feared to entrust the operation of its machinery to other hands, lest it might be exerted to his injury. After his return to New-York, his well known liberality, and generosity of character, were taken advantage of by his friends, whose paper he endorsed so freely that he afterwards became embarrassed with debts, which troubled him constantly to the end of his life. Gen. Bailey also resigned his seat in the Senate, in consequence of his being appointed Postmaster at New-York.

The session of the Legislature commenced on the 31st day of January, 1804. Alexander Sheldon, of Montgomery county, was chosen Speaker, and Mr. Southwick was again elected Clerk. The Governor announced, in his speech, the adoption of the amendment to the United States Constitution, requiring the Electors to designate their candidates for President, and Vice-President; and called the attention of the Legislature to the fact, that the State was unrepresented in the United States Senate. On the 2d of February, the vacancies in the Senate were filled by the election of John Armstrong and John Smith.

On the 3rd day of February, Ambrose Spencer was appointed a Judge of the Supreme Court, in the place of Jacob Radcliff, who had resigned the office, and John Woodworth was appointed Attorney General. At the same meeting of the Council, William W. Van Ness, a talented young lawyer, and active Federalist, was removed from the office of Surrogate of Columbia county.

On the 16th of February, John Broome, Abraham Adriance, Thomas Treadwell, and Caleb Hyde, were elected members of the Council of Appointment. At this session of the Legislature, the restraining law, prohibiting unincorporated companies from exercising the power of banking, was passed. An attempt was also made to pass a bill, introduced by Mr. Emmott, a Federal member from the county of Dutchess, declaratory of the common law in relation to giving the truth in evidence in prosecutions for libel, and constituting the jury, in this and other criminal cases, judges of the law and the fact. This bill was introduced, in consequence of the conviction of Harry Crosswell, the publisher of a Federal paper at Hudson, called the Balance, at the February term of the Supreme Court, for a libel upon Mr. Jefferson. Mr. Crosswell was ably defended by Wm. W. Van Ness, Richard Harrison, and Alexander Hamilton. Mr. Hamilton made one of his most brilliant speeches on this occasion, which was fated to be his last at the seat of government of the State. Mr. Emmott's bill failed of becoming a law, in consequence of various differences of opinion in relation to its details.

Preparations were made early in the winter for the Gubernatorial election in April. The great majority of the Democratic party in the Union, having entirely abandoned Col. Burr, George Clinton was selected as the Republican candidate for Vice President, with great unanimity. This nomination rendered it necessary to fix upon a new candidate for the office of Governor. At a caucus of the Republican members of the Legislature, of which Ebenezer Purdy was Chairman,

and Samuel Southwick, Secretary, John Lansing was nominated as their candidate for Governor, and John Broome for Lieut. Governor. A meeting of the leading Federalists, in Albany, was held on the 16th of February, at which Gen. Hamilton was present, and advised his friends to vote for Chancellor Lansing, "in case they had no candidate of their own," for the reason that "no reliance ought to be placed on Mr. Burr," whose friends were determined on bringing him forward, in opposition to the regular Republican candidate. The arguments of Gen. Hamilton failed to convince his hearers, and it was even asserted by some of them, that he was actuated by "personal resentment towards Col. Burr."

On the 18th of February, Chancellor Lansing declined the nomination of the Republican caucus, although he had first signified his acceptance. On the same day, the friends of Col. Burr, in the Legislature, held a meeting, and nominated their favorite as a candidate for Governor. On the 20th of the same month, this nomination was approved at a meeting held in New-York, in the proceedings of which, Marinus Willet, Ezekiel Robins, Jonathan Fisk, George Gardner, David M. Wescott, and Peter Townsend, participated. A public meeting was soon after held in Albany, at which Burr was re-nominated for Governor, and Oliver Phelps was brought forward as the candidate for Lieut. Governor. The friends of Col. Burr were not numerous, but many of them were talented and influential, and zealous and indefatigable in their efforts. In addition to those whose names have been mentioned, James Burt and

Joseph Annin, of the Senate, William Tabor, a member of the House, from Dutchess county, John Van Ness Yates, of Albany, Erastus Root, of Delaware, and Peter B. Porter, then Clerk of Ontario county, all active Republicans, were warmly enlisted in his favor.

The declension of Chancellor Lansing, and the avowed determination of the Federalists, with a very few exceptions, to support Col. Burr, had the tendency to dishearten the Republican party, in the first instance. Dewitt Clinton was regarded as too young a man for the office of Governor, and the recent Federalism of Judge Spencer constituted a serious objection to his nomination. Morgan Lewis, Chief Justice of the Supreme Court, was finally selected, in the room of Mr. Lansing, and an address in his favor was drawn up, and signed, by one hundred and four, of the one hundred and thirty-two members of the Legislature.



MORGAN LEWIS.

LITH. OF C. CURRIER, N.Y.

## CHAPTER V.

1804—Defeat of Col. Burr, and Election of Morgan Lewis—Prospects of Burr, and his antipathy to Hamilton—Gen. Hamilton's course at the April election—Correspondence and Duel with Burr—Judge Kent appointed Chief Justice, and Daniel D. Tompkins a Judge, of the Supreme Court—Re-election of Jefferson—George Clinton chosen Vice President—Legislative session of 1805—Corrupt means used to procure the Charter of the Merchants' Bank—Improvement of the Common Schools of the State—William W. Van Ness—Obadiah German—Dissatisfaction of the Clintons, and Judge Spencer, with the Administration of Gov. Lewis—April Election—Joseph C. Yates—Controversy between the Clintonians and the Lewisites—Course of the Republican journals in the State—Jesse Buel—Conduct of Dewitt Clinton—Attempt to unite with the Burrrites—Legislature of 1806—A Clintonian Council elected—Removal of the Lewisites from office—Archibald McIntyre—Activity of Gov. Lewis' friends during the summer and fall of 1806—Meeting of the Legislature in 1807—The Lewisites and Federalists elect a new Council of Appointment—Restoration of the Lewisites to office—The Federalists and Burrrites also taken into favor—William W. Van Ness appointed a Judge of the Supreme Court—Caucus held by the majority of the Republicans, to nominate candidates for Governor and Lieut. Governor—Daniel D. Tompkins, and John Broome, put in nomination—Lewisite Caucus—Re-nomination of Gov. Lewis—1807.

THE whole number of votes cast for Governor, at the election in April, 1804, was fifty-two thousand nine hundred and sixty-eight; of which, Morgan Lewis received thirty thousand eight hundred and twenty-nine, and Aaron Burr twenty-two thousand one hundred and thirty-nine. The defection of Col. Burr's Republican friends was fully counterbalanced, by the votes of those Federalists who concurred with Gen. Hamilton in opinion, and others, who had de-

terminated on leaving a party which now appeared to be in a hopeless minority. The Republicans secured a large majority of the Assembly, and elected all their Senators, viz: Ebenezer Purdy, and Thomas Thomas, from the Southern District; Samuel Brewster, and Stephen Hogeboom, from the Middle; Stephen Thomas, from the Eastern; and Jedediah Peck, and Henry Huntington, from the Western District. Daniel D. Tompkins was chosen a member of Congress from the city of New-York, at this election; and William W. Van Ness, a young man of promising abilities, was elected to the Assembly, from Columbia county.

The political fortunes of Col. Burr were completely prostrated by this defeat. Whatever hopes of advancement he might previously have entertained, they must have been entirely dissipated by this unfavorable verdict of the citizens of his own State. Disappointed in all his ambitious aspirations, and thwarted, at every turn, by Gen. Hamilton, whose friends, Messrs. Bayard, of Delaware, and Morris, of Vermont, had elected Mr. Jefferson President, and whose eloquent denunciations of his political course had defeated him in the recent Gubernatorial contest, he seems at once to have turned all his energies towards accomplishing the ruin of his great rival; and a spirit of revenge was excited, and nursed in his bosom, which was never allayed until this obstacle had been removed from his path.

The alledged ground of offense, which led to the duel between Hamilton and Burr, was a remark in an electioneering letter, written by Doct. Charles D. Cooper, of Albany; in which the writer stated, that



Gen. Hamilton dined at Judge Tayler's, while in attendance at the term of the Supreme Court, in February, 1804, and on that occasion declared himself opposed to Col. Burr, and expressed a preference for Chancellor Lansing. Mr. Cooper also said, that "he could detail a still more *despicable* opinion" of Burr, which Hamilton had avowed. The letter in question, coming as it did from an inmate of Judge Tayler's family, and the husband of his adopted daughter, bore such an appearance of authenticity, that on the 18th day of July, and immediately after it came to his knowledge, Burr addressed a note to Hamilton, demanding "a prompt and unqualified acknowledgment, or denial, of having said anything which warranted such an expression" as that above stated. Gen. Hamilton, in his reply, dated on the 20th of July, affirmed that the charge of Col. Burr was "too vague and indefinite" to require "an express admission or denial;" and added, that he was ready to avow, or deny, any declarations imputed to him, which should be specifically pointed out. This note, unfortunately for its author, although we could hardly expect anything different from an independent and high minded man, concluded as follows: "I trust, on further reflection, you will see the matter in the same light with me. If not, I can only regret the circumstance, *and must abide the consequences*;" thus plainly inviting the hostile meeting which ensued. This reply was followed by a still more offensive note from Burr, which was answered by Gen. Hamilton, who, at the same time, put a paper into the hands of his friend, Mr. Pendleton, to be communicated to Col. Burr, in which

he declared his readiness to give a definite reply to any note couched in proper language, and his ability to show, that the conversation alluded to by Doct. Cooper was solely of a political character, and unconnected with any imputations upon Mr. Burr's conduct as a private citizen. This last letter of Hamilton was followed by a note from Burr, treating the reply of the former as a "mere evasion," and demanding satisfaction. The challenge was accepted, and was soon followed by a meeting at Hoboken, which terminated fatally to Gen. Hamilton. The death of this great man, whose fame and public services were acknowledged by men of all parties, who united in paying the last tribute of respect to his memory, inflamed the public mind to such a degree, that Burr was compelled to fly from the scorn and reproaches that followed him, and was exiled from New-York and New-Jersey, as a murderer.

Gov. Lewis called the Council of Appointment together, immediately after his inauguration. Judge Kent was appointed Chief Justice, to fill the vacancy occasioned by the resignation of the Governor, and Daniel D. Tompkins, then only thirty years of age, was selected as an Associate Judge. At the same meeting, Peter B. Porter was removed from the office of Clerk of Ontario county, on account, as it was supposed, of his friendship for Col. Burr. On the 10th of November, another session of the Council was held, at which, Maturin Livingston, a brother-in-law of Gov. Lewis, was appointed Recorder of the city of New-York.

The Legislature met in November, for the purpose

of choosing Presidential Electors. Mr. Sheldon was re-elected Speaker. After the choice of Electors, Doct. Samuel L. Mitchell, a learned but eccentric man, was elected to the United States Senate, in the place of Gen. Armstrong, whom Mr. Jefferson had appointed Minister to France. The result of the Presidential election was an almost unanimous expression of confidence in the national administration; Mr. Jefferson and Mr. Clinton receiving all the electoral votes, with the exception of fourteen, which were given for Charles C. Pinckney and Rufus King.

The regular annual session of the Legislature commenced on the 22d day of January, 1805. John Schenck, Joshua H. Brett, Jedediah Peck, and Stephen Thorn, were elected members of the Council of Appointment.

The Joint Stock Company, composing the Merchant's Bank, renewed their application for a charter at this session. This Company, which consisted mainly of merchants, had been in operation for a number of years, and had done a safe and prosperous business. Dewitt Clinton, and his friends who were interested in the Manhattan Company, John Tayler, Ambrose Spencer, and other leading Republicans connected with the State Bank at Albany, opposed the application, for two reasons, viz: that the additional bank capital contemplated in the charter, was not required in the city of New-York, and that, as it would be under the control of Federalists, the Republican party would be injured thereby. This unjust resistance to the passage of the bill, was followed by still more indefensible acts on the part of the applicants.

Upon an investigation subsequently made, in relation to the means employed to obtain the charter, it appeared, that John Ballard, Gurdon Huntington, and Peter Betts, members of the Legislature, had been told, that if they would vote for the bill, they should have the right to subscribe for a certain number of shares, which would be guarantied to be worth twenty-five per cent advance. It was also proven, that Ebenezer Purdy, a member of the Senate, had made the offer to Stephen Thorn, also a Senator, to subscribe for thirty shares, and agreed to advance him five pounds for each share, and a similar offer to Obadiah German, to take fifty shares, with a guaranty that he should realize one thousand dollars profit. These facts were shown, by the depositions of the gentlemen to whom the offers had been made, and led to serious dispute and altercation. Notwithstanding the conclusive character of the testimony, showing the corrupt means employed by the agents of the bank, the bill was finally passed; all the Federal Senators, and Messrs. Purdy, Savage, Hogeboom, Burt, and other Republicans, voted in its favor. Gov. Lewis, and his brother-in-law, Maturin Livingston, supported the application. The manner in which this bill was forced through the forms of legislation, excited the public mind to such a degree, that no other bank charters were granted for a series of years.

On the 2d day of April, an act was passed, in pursuance of the recommendation of Gov. Lewis, appropriating the nett proceeds of the first five hundred thousand acres of the public lands belonging to the State, which should be sold, as a permanent fund

for the support of common schools. But little other business of importance was transacted during the session. The Federal party in the Assembly, were headed by William W. Van Ness, whose eloquence and fascinating address rendered him highly popular with his party friends. The leading man in the Democratic ranks, was Obadiah German, of Chenango county, an uneducated, but strong-minded and clear-headed politician.

The friends of Messrs. Clinton and Spencer began to manifest their dissatisfaction with the administration of Gov. Lewis, before the close of the session; but nothing definite transpired, previous to the adjournment. In the city of New-York, the charter of the Merchants' Bank was made the principal theme of discussion, prior to the April election. Dewitt Clinton, and Ezra L'Hommedieu, were the Republican candidates for State Senators, in the Southern District, and were nominated at a meeting which adopted an address, reflecting in pretty severe terms upon the conduct of the Legislature. The American Citizen, also, took strong and decided ground upon the subject, and openly charged the Senate with corruption. An attempt was made, at the instigation of Mr. Van Vechten, a Federal Senator, to indict the editor, Mr. Cheetham, for a libel, but the Grand Jury of New-York refused to find a bill. Judge Hobart died this year, and the office of District Judge was conferred on Matthias B. Talmadge; Brockholst Livingston having declined the appointment, which was tendered to him by the President.

At the April election, two Republicans were sup-

ported for Senators, in the Eastern District, in opposition to each other. Joseph C. Yates, afterwards Judge of the Supreme Court, and Governor of the State, was nominated by the Republicans of Schenectady, and Mr. Quackenboss was the candidate of the Albany democrats. The Albany Register treated the nomination of Mr. Yates as irregular, and a large majority of the Republicans in the district voted for Mr. Quackenboss; but as the whole Federal strength was thrown in favor of the former, he was elected. The Senators chosen at this election were, Messrs. Clinton, and L'Hommedieu, from the Southern District; Peter C. Adams, and James G. Graham, from the Middle; Joseph C. Yates, Adam Comstock, and John Veeder, from the Eastern; and Nathaniel Locke, and John Nicholas, from the Western District. The Republicans maintained a large preponderance in the House of Assembly.

Soon after the spring election, the differences between Messrs. Clinton and Spencer, on the one hand, and Gov. Lewis on the other, which do not appear to have interfered with the canvass, began to be made public. The American Citizen, and the Albany Register, the leading Democratic journals in the State, came out openly against the Governor, and those Republicans who continued to act with him. On the other side, the Poughkeepsie Journal, which was supposed to be controlled by Doct. Tillotson, the Secretary of State, denounced Mr. Clinton and Judge Spencer, in the severest terms. This paper was, in the course of the summer, united with the Morning Chronicle, Mr. Burr's organ in New-York, and afterwards ap-

peared under the name of "The Poughkeepsie Barometer." The Plebeian, also, a Republican paper in Ulster county, conducted by Jesse Buel, took ground with the Governor. The ostensible ground of complaint against Gov. Lewis, was his conduct in favoring the charter of the Merchants' Bank, and his alledged unfitness for the office which he held ; but the real cause of the disaffection of Mr. Clinton, and his friends, was, undoubtedly, jealousy of the increasing popularity and influence of the Livingston family, whose members filled a large proportion of the best offices in the State. Mr. Clinton was an ambitious man, indefatigable and persevering, and determined on putting his own shoulder to the car which should bear him onward to fortune and fame. Whatever he did, he did with all his might. When he had once determined upon a certain plan of operations, he left nothing untried, which could insure his success.

During the summer of 1805, Mr. Clinton made great efforts to strengthen himself ; and the friends of the Governor were equally active. Although a numerical majority of the Republican members elected to the Legislature were friendly to Clinton, the influence of the Livingstons detached a great number of the rank and file of the Democratic party from his support. As it was feared that the Federalists would unite with the adherents of Gov. Lewis, and thus give them the control of the State, efforts were made to induce the Burrites to join their forces with the Clintonians. Several interviews were had between Gen. Bailey, on the part of Mr. Clinton, and John Swartwout ; and, subsequently, on the 24th of January, 1806, Mr.

Clinton met Col. Swartwout, Matthew L. Davis, Peter Irving, and Ezekiel Robins, the most influential and zealous Burr-ites in the city of New-York, at the house of his friend, Gen. Bailey. On the 20th of February, a meeting of leading Clintonians and Burr-ites was held at Dyde's Hotel, near New-York, at which the union of the Republican party was the principal theme of discussion. On the 24th of the same month, a large gathering of Republicans, composed of Burr-ites, Clintonians, and the friends of the Governor, was held at Martling's Long Room, in the city, at which the proceedings of the former meeting were emphatically denounced. Mr. Clinton himself, a few days afterwards, signified his approbation of the course pursued at Martling's, but his opponents were for a long time known, throughout the State, as 'Martling Men.'

The Legislature met on the 28th day of January, 1806. Mr. Sheldon was again chosen Speaker, and Mr. Southwick, Clerk. The case of Stephen Arnold, who had been convicted in Montgomery county, of murder, in punishing a child so severely as to cause death, for refusing to spell or pronounce a word, and whom the Governor had reprieved on the day he was to have been executed, was brought before the Legislature. The conduct of the Governor, who entertained the opinion that the case was one of manslaughter, instead of murder, furnished his opponents with a powerful argument to excite the public indignation against him. After some discussion, a law was passed, commuting the sentence to imprisonment for life, several of the Governor's enemies voting in



its favor. At a caucus of the Republican members of the Legislature, Dewitt Clinton, Robert Johnson, Adam Comstock, and Henry Huntington, were nominated to form a Council of Appointment, and were afterwards elected by the House. This unusual course of holding a general caucus, instead of allowing the Republicans from each district to select their own candidate, as had previously been the custom, was adopted in order to secure the election of Mr. Clinton, a majority of the Democratic members, from his district, being opposed to him. Gov. Lewis' friends protested, but without effect, against this infraction of an established usage.

On the 15th of March, Mr. Clinton offered a resolution in the Senate, for the expulsion of Ebenezer Purdy, alledging that he had been bribed in the matter of the Merchants' Bank, at the previous session, and had attempted to bribe Messrs. Thorn, and German. No action was taken on the resolution, except to fix on a day for its consideration, as Mr. Purdy resigned his seat on the next day after it was offered. A bill, introduced by Richard Riker, of New-York, for the prevention of bribery, and having especial reference to the same case, was passed on the 7th of April.

The Council of Appointment commenced their war of extermination against the Livingston interest, on the 26th of March, by the removal of Maturin Livingston from the Recordship of New-York, and the appointment of Pierre C. Van Wyck, one of the most active agents in getting up the Martling meeting, to fill the vacancy. Thomas Tillotson was removed from the office of Secretary of State, to make

room for Elisha Jenkins. The office of Comptroller, which Mr. Jenkins had vacated, was bestowed on Archibald McIntyre. Gov. Lewis, and Mr. Huntington, who, although a friend of Mr. Clinton, was a careful and discreet politician, protested against these removals; but the majority of the Council were determined to do the work thoroughly, and proceeded to remove a large number of Sheriffs, Clerks, Surrogates, County Judges, and Justices of the Peace, and filled their places with men known to be opposed to the re-election of Gov. Lewis.

The Federalists did not remain indifferent spectators of the struggle between the rival interests in the Democratic party. On the contrary, they soon rallied around William W. Van Ness, and other leading men in their ranks, who proved to be the most active and efficient supporters of the Governor. The result of the April election, therefore, was the choice of a majority of members, including Federalists, friendly to Gov. Lewis. The Senators chosen this year were, Benjamin Coe, and Jonathan Ward, from the Southern District; Elisha Barlow, and James Burt, from the Middle; Jacob Snell, from the Eastern; and John Ballard, Salmon Buel, and Jacob Gebhard, from the Western District. The Senators from the Middle and Eastern Districts, attached themselves to the Governor's party, who were called Lewisites, or 'Quids.' At the corporation election in the city of New-York, the Lewisites and Federalists secured a majority of the Common Council, and forthwith removed all the Clintonians holding office under the city government.

Gov. Lewis' friends made active exertions, during the summer and fall of 1806, to increase their strength; and, as it was evident he could not be re-nominated by a majority of the Democratic members of the Legislature, a meeting was held in New-York, on the 1st day of January, 1807, at which he was put in nomination as the Republican candidate for Governor. Circular letters were also addressed to all the doubtful Republican members, previous to the meeting of the Legislature, requesting them to call on Abraham G. Lansing, Treasurer of the State, and a warm friend of the Governor, as soon as they arrived in Albany. The session commenced on the 27th day of January, and Andrew McCord, of Orange county, the Lewisite candidate for Speaker, was elected over Mr. Sheldon, who was supported by the Clintonians, by eleven majority. Gerrit Y. Lansing, a son of the Treasurer, had six majority over Mr. Southwick, for Clerk. On the 28th of January, the Assembly elected a Lewisite Council, by an average majority of nine, consisting of Thomas Thomas, James Burt, Edward Savage, and John Nicholas. After the result of these votes, which was produced by a union of the Federal and Lewisite forces, it was charged by the Clintonians, that a bargain had been made, by which William W. Van Ness was to be appointed Attorney General. Whether the charge was true or false, is now mere matter of conjecture, as the appointment was never made. That there was some understanding in relation to the division of the spoils, is highly probable, as Mr. Van Ness, on the 9th day of June following, was appointed a Judge of

the Supreme Court of the State, in the place of Brockholst Livingston, who had been removed to the bench of the United States Supreme Court, by the same Council who were indebted for their election to the influence and the votes of himself and his friends.

The Legislature re-elected Gen. Smith, to serve another term in the United States Senate; the two divisions of the Democratic party having united for the purposes of the election.

At the first meeting of the Council elected this winter, the Lewisites commenced the work of removing the Clintonians, and restoring their friends to office. Dewitt Clinton was removed from the Mayoralty of the city of New-York, and Marinus Willett appointed. The appointment was first tendered to Smith Thompson, who declined accepting it. Maturin Livingston, and Thomas Tillotson, were restored to the offices of Recorder of New-York, and Secretary of State, from which they had been removed by the previous Council; and Ogden Edwards was appointed Surrogate of New-York, in the place of Sylvanus Miller, removed. The Federalists and Burrites came in for their share of the offices; Thomas Morris, an active Federal leader, was appointed Clerk of the city of New-York, in the place of Teunis Wortman, removed, and Isaac Kibbe, one of the most noisy partizans of Col. Burr, was made Harbor Master. Although the conduct of this Council was severely censured by the Clintonians, it was defended by the Lewisites on the other hand, as being fully warranted by the proscriptive course of their predecessors. So far as it partook of the character of retributive justice,

it was, perhaps, defensible, in a party point of view ; but we are constrained to believe that the interests of the State were not regarded, as they were not promoted, by the operations of either Council.

The majority of the Republican members of the Legislature, held their caucus for the nomination of a candidate for Governor, on the evening of the 16th of February. The selection of a name which would bring out the whole strength of the Anti-Lewisites, was a matter attended with some difficulty. Dewitt Clinton was objected to, on the ground that he had been so intimately identified with the removals from office, which had taken place during the two or three previous years, as to have excited animosities and heart-burnings, among those who had been proscribed, and their personal friends, that would seriously prejudice his success. It was also urged against his nomination, that his conduct was too dictatorial ; that the interests of the party seemed to be regarded by him as inseparable from his own ; and that his manners and deportment were cold and unprepossessing. Judge Spencer was now a member of the Clinton family, he having married a sister of Dewitt Clinton, as his second wife ; and, in all the political operations of the last several years, he had been the faithful Achates of his brother-in-law. His name, therefore, was equally out of the question. The caucus finally selected Daniel D. Tompkins, who was yet hardly known as a politician ; but from his position as a Judge of the Supreme Court, added to his naturally estimable qualities of head and heart, had become extensively acquainted, while holding the circuits in the different counties of the

State, and was every where held in the highest esteem and regard. Another consideration, probably, had no little influence upon the nomination of Mr. Tompkins, whose talents were of a superior character, and promised to become exceedingly formidable to those who attempted to use him to subserve their own individual ends; the fact, that he had no family connections, whose claims upon their relative, in the dispensation of the Executive patronage, could possibly interfere with those of the Clintons. Lieut. Gov. Broome was nominated for re-election, at this caucus; and before its adjournment, an address was adopted, which was signed by sixty-five Republican members of the Legislature.

At the Lewisite Republican caucus, held a few days afterwards, Gov. Lewis, and Thomas Storm, were nominated as their candidates for Governor, and Lieut. Governor. The address adopted on this occasion, was signed by forty-five members.

## CHAPTER VI.

1807—Causes of Chancellor Lansing's refusal to accept the nomination for Governor in 1804—Defeat of Gov. Lewis, and election of Daniel D. Tompkins—Trial of Col. Burr for treason; his subsequent conduct and death—Orders of the English Council, Berlin and Milan decrees, and the Embargo law—Course of the Clintons—Session of the Legislature in 1808—Joseph C. Yates appointed a Judge of the Supreme Court—Removal of Mr. Woodworth, and appointment of Matthias B. Hildreth as Attorney General—David Thomas elected Treasurer, in the place of Mr. Lansing—John W. Taylor, Samuel Young, Martin Van Buren—Nomination of James Madison, and George Clinton, as the Republican candidates for President, and Vice President—Disaffection of the Clintons—April Election in 1808—Effect of the Embargo law on the result—Attempt of Gov. Lewis, and the Livingston family, to prostrate Dewitt Clinton—Session of the Legislature in November, and choice of Presidential Electors—Election of Madison and Clinton—Meetings of the Martling Men in New-York—Annual session of the Legislature in 1809—Dewitt Clinton and the Federalists—Abraham Van Vechten, Daniel Cady, Jacob R. Van Rensselaer—Nathan Sanford, Roger Skinner, Obadiah German, Derick L. Van Antwerp—Mr. German elected to succeed Doct. Mitchell in the United States Senate—Treaty between Mr. Erskine and the American Government; its disavowal by Great Britain, and effect on the politics of this country—April Election of 1809—Success of the Federalists—The Balance and New-York Journal—The Columbian—Nomination of Jonas Platt, as the Federal candidate for Governor, and Nicholas Fish, for Lieutenant Governor—Legislative session of 1810—Removals made by the Federal Council—Preparations for the April election—Re-nomination of Tompkins and Broome—1810.

A SHORT time previous to the April election, in 1807, an exposition was made by Chancellor Lansing, of the circumstances attending his nomination, as the Republican candidate for Governor, in the winter of 1804, and his refusal to accept it. He alledged, on his part, that an attempt was made by George Clinton,

then Governor of the State, to induce him to pledge himself to "a particular course of conduct in the administration of the government of the State," and the appointment of Dewitt Clinton as his successor in the office of Chancellor. The Vice President peremptorily denied the allegations of the Chancellor; and Dewitt Clinton himself, who afterwards took part in the controversy, affirmed that he never desired the office. The Clintons were probably anxious to have the patronage of the State in the hands of those who were not inimical to them, but it can hardly be possible that the younger one was willing to receive a judicial appointment, which must always be a mere secondary position, in the estimation of the leader of a political party.

The Federalists made no nomination for the Gubernatorial election. The great body of them supported Gov. Lewis and Mr. Storm; but a very large number, who had become disheartened on account of their repeated reverses, and saw but little prospect of redeeming the waning fortunes of the party, abandoned their old associations, and took ground in favor of the nominee of the regular Democratic caucus. The election was conducted with much warmth and spirit, and terminated in the choice of Daniel D. Tompkins, whose majority, over Gov. Lewis, was four thousand and eighty-five. The whole number of votes cast, was sixty-six thousand and sixty-three. Dewitt Clinton, elected to the Senate from the Southern District; John Tayler, John McLean, Charles Selden, and Isaac Kellogg, from the Eastern; and William Floyd and Alexander Rhae, from the Western, were





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Clintonian Republicans. Robert Williams and Joshua H. Brett, were the Lewisite candidates in the Middle District, and were elected.

On the 22d day of May, 1807, the trial of Col. Burr, on a charge "of treason against the United States, and of a misdemeanor in preparing and setting on foot, within the United States, the means of a military expedition against Mexico," came on before the Circuit Court of the United States, at Richmond, Chief Justice Marshall presiding. A protracted and tedious investigation was had, both of the testimony adduced by the prosecution, and the legal questions involved in the case. It appeared on the trial, that Burr had commenced his operations early in the spring of 1805; that he had been almost constantly engaged in traveling through the United States; that his emissaries and agents were at work in Mexico; that prominent individuals in England, and men of character and wealth in this country, favored his enterprise; that he had had secret and confidential intercourse with General Wilkinson, and other officers in the regular service; and that he was connected with an assemblage of men which had taken place on Blennerhasset's Island, and with the collection of provisions and munitions of war at several points on the Ohio and Cumberland rivers; but it was found impossible to fasten upon him the commission of any overt act of treason. He was ably defended by Luther Martin, and Messrs. Wickham, Baker, Botts, and Randolph. On the other side, were Messrs. Mc Ray, Hay, and William Wirt. Under the charge of the Court, the jury brought in a verdict of not guilty, on the

indictment. Whether it was the plan of Col. Burr to seize the city of New-Orleans, to revolutionize the territory attached to it, and to separate the Western from the Atlantic States; or the conquest of Mexico, although Spain was then at peace with this country; or a combination and modification of the two; still remains a doubtful matter. Generals Wilkinson and Eaton testified that Burr had made overtures to them, in which he had hinted, in pretty plain terms, at the separation of the States; and a letter written by him, in ciphers, to Wilkinson, was produced by the latter, on the trial, and its contents introduced in evidence. But it was afterwards charged, and admitted, that the letter in question was altered before its interpretation; and Gen. Eaton confessed, on his cross examination, that he had recommended to the President, the appointment of Burr on a foreign embassy, after he had been made acquainted with his designs. The testimony of both gentlemen, as to the treasonable plans of Col. Burr, was, notwithstanding, positive and distinct; so much so, indeed, as to give foundation to the opinion, which was generally current after Burr's discharge, that he had escaped from the consequences of his acts, by means of a technical quibble.

Col. Burr sailed for Europe in the year following his acquittal, and attempted to enlist the English Government in an expedition against Mexico. Failing in this, and being suspected of a connection with some dangerous schemes on foot, he continued his journey to Sweden, from whence he crossed over to France, in the hope of obtaining assistance from Napoleon. But the mark of Cain seemed to have been

firmly imprinted on his brow. Wherever he went, he was received with coldness and distrust. Literally bankrupt, in fortune and in friends, he wandered about Europe for several years, exposed to hardships, and suffering privations, which he could never have anticipated amid the excitement of the Presidential election in 1800, when no man in the nation, with the exception of Thomas Jefferson, was more popular than himself. He returned to New-York in 1812, and resumed the practice of the law, which he pursued with very respectable success, until near the period of his death, which took place on the 14th day of September, 1836, in the eighty-first year of his age.

The war between France and the other European powers, was continued during the year 1807, without cessation, and as there was a great demand for American produce, the carrying trade of the vessels owned in the Northern and Middle States, had now become highly profitable. The jealousy entertained by the British Government towards the United States, led to the adoption of an order in Council, by the terms of which all intercourse between France and America was suppressed. The French authorities, by way of retaliation, issued the celebrated Berlin and Milan decrees, under which American vessels, trading with England, were liable to seizure and condemnation. After an unsuccessful remonstrance against the conduct of France and England, Mr. Jefferson recommended the famous Embargo on all American shipping—a measure, which, so far as it affected the national policy, was certainly wise and proper, as it cut off at once the necessary supplies of the belligerent

powers; but in its operation upon private interests, it was, no doubt, exceedingly injurious. Immediately after the passage of the Embargo Act, in Congress, a public meeting was held in the city of New-York, at which Dewitt Clinton presided. Resolutions were adopted, disapproving of the Act; and the American Citizen, the Clintonian paper in the city, unsparingly denounced it. The Federalists, throughout the Union, took the same ground, while the Republicans, generally, approved of Mr. Jefferson's course. Dewitt Clinton also changed his ground, early in 1808; but Mr. Cheetham, the editor of the Citizen, continued his opposition to the measure, and charged Mr. C. with bad faith, in deserting him at such a crisis.

Alexander Sheldon was chosen Speaker of the Assembly, at the annual session of the Legislature in 1808. Daniel Rodman was elected over Mr. Lansing, the former Clerk, by thirty-nine majority. Gov. Tompkins reviewed, at length, the policy of the Embargo Act, in his speech to the two houses, and defended the course of the National Government with great ability. An answer to the speech, in accordance with the Governor's views, was adopted in the Assembly, after an animated discussion, by a vote of sixty-two to twenty-two. On the 1st day of February, Benjamin Coe, Peter C. Adams, John Veeder, and Nathan Smith, were elected members of the Council of Appointment, and immediately commenced removing the Lewisites from office. Dr. Tillotson gave place to Mr. Jenkins, who was again appointed Secretary of State. Dewitt Clinton was restored to the Mayoralty, Pierre C. Van Wyck to the Recorder-

ship, and Sylvanus Miller to the office of Surrogate, of the city of New-York. The vacancy on the bench of the Supreme Court, occasioned by the resignation of Gov. Tompkins, was filled by the appointment of Joseph C. Yates. Mr. Woodworth was removed from the office of Attorney General, on account of his adherence to Gov. Lewis, and Matthias B. Hildreth, of Montgomery county, appointed in his place. The Legislature was determined not to be outdone by the Council, and, as the Treasurer of the State received his appointment from them, Mr. Lansing was removed, and David Thomas elected to succeed him.

John W. Taylor and Samuel Young, were appointed Justices of the Peace for the town of Ballston, Saratoga county, on the 18th of March; and new commissions were sent to Justices throughout the State, wherever it was necessary that the influence of the central power should be felt. On the 20th of March, Martin Van Buren was appointed Surrogate of Columbia county. He was then a young man, but he had early given indications that he possessed abilities of a superior order, and was now an active politician in the county where he resided.

Before the close of the session of Congress, held in the winter of 1808, a caucus of the Republican members was held, at which James Madison was nominated for President, and George Clinton for Vice President. The New-York Republicans, and especially the Clintons, and their immediate friends, had confidently looked forward to the nomination of Mr. Clinton, as the successor of Jefferson. Mr. C. himself hesitated about the acceptance of the nomination of

Vice President, but did not decline in the end. The subsequent dispute and hostility, between Dewitt Clinton and "the Virginia dynasty," had its origin in this alledged injustice to his uncle. Seventeen Republican members of Congress protested against the nomination of the caucus, among whom were John Russell, Josiah Masters, George Clinton, Jr., the brother of Dewitt, and Peter Swart, of this State. The Albany Register expressed a preference for Mr. Clinton, as President, but did not attempt to impeach the soundness of Mr. Madison's opinions on political questions.

Before the adjournment of the State Legislature, an address was adopted, and signed by eighty-nine members, approving of the measures of the National and State administrations, and urging the support of Madison and Clinton.

The Federal party made a vigorous rally at the April election. The reduction in the prices of produce, the single article of wheat having fallen from two dollars to seventy-five cents per bushel, in consequence of the Embargo Act, operated powerfully in their favor; but, as all the official patronage was in the hands of their opponents, they were only able to reduce the Republican majority in the Legislature. David Hopkins, the Federal candidate, was elected to the Senate in the Eastern District; and Edward P. Livingston, a Lewisite, in the Middle District. Benjamin Coe and William W. Gilbert, elected from the Southern, and Luther Rich, Francis Bloodgood, Sylvester Smally, Walter Martin, and Silas Halsey, from the Western District, were Republicans.

Gov. Lewis and the Livingston family, and a ma-

majority of their friends, in connection with Col. Swartwout, Matthew L. Davis, and other leading Burr-ites in New-York, came out in support of Mr. Madison, shortly after his nomination, and vehemently attacked the two Clintons, and Judge Spencer, on account of their original opposition to the embargo law ; and charged them with hypocrisy in professing different opinions, at this time, and with being secretly hostile to Mr. Madison. Several appointments made by the General Government, during the summer, were conferred on Burr-ites and Lewis-ites, or persons known to be opposed to Mr. Clinton ; and a Washington paper, edited by a clerk in Mr. Madison's office, who was then Secretary of State, denounced the Clintons in unmeasured terms. A number of influential Republican journals, in different sections of the Union, took the same ground. Mr. Barber, the editor of the Albany Register, died on the 15th of July, and was succeeded in the management of the paper, by Solomon Southwick, a devoted personal friend of Dewitt Clinton.

The Legislature of New-York met on the 1st day of November, in order to choose Presidential Electors. James W. Wilkin, of Orange county, was chosen Speaker. The vote stood, for Wilkin, sixty ; for Van Rensselaer, the Federal candidate, forty-five. A disposition was manifested, on the part of some of the warmest friends of George Clinton, to choose Electors who would give the vote of the State to him for President ; but this course was overruled by the majority of the Republican members of the two houses, who would not concur in any such arrangement. The result was, that Electors were chosen without



reference to their individual opinions on the Presidential question. Ambrose Spencer and Henry Huntington headed the Electoral ticket. Six of the Electors voted for George Clinton, for President, and the residue for Mr. Madison. Mr. Madison, and Mr. Clinton, were eventually chosen to fill the offices for which they had been nominated; Mr. Madison receiving one hundred and twenty-two votes, and Mr. Clinton one hundred and thirteen. The opposing Federal candidates were, Charles C. Pinckney, and Rufus King, each of whom received forty-eight votes. John Langdon received nine votes, for Vice President; James Madison, three; and James Monroe, three.

After the election of Mr. Madison, the Lewisites continued their operations to destroy the influence of Dewitt Clinton. By far the greater share of the power he had previously wielded, was derived from his supposed position, as the supreme dispenser of the Executive patronage of the State. As soon as Gov. Tompkins became fairly seated in the chair of State, the influence of Mr. Clinton began sensibly to diminish. It was very natural that the Governor should seek to render himself popular, and this was impossible, so long as another individual was regarded as the power behind the throne, who controlled all the appointments to office. The Lewisites, too, were officious in undermining Mr. Clinton's popularity, and the disappointed place-hunter was sure to be told, that all the blame was justly chargeable to that gentleman; while the fortunate seeker for office was taught to look up to Gov. Tompkins as his friend and benefactor.

Early in the fall and winter, meetings of the Mart-

ling Men began to be held in New-York, which appeared to have for their object, the political overthrow of Mr. Clinton. Mangle Minthorne, the father-in-law of Tompkins, was generally the Chairman of these meetings, and it was suspected that the Governor encouraged them in secret, although he professed, in public, to disapprove of their movements.

A short time before the annual session of the Legislature, a public meeting of the friends of the National administration was called, in New-York, which furnished an occasion for an attack on Mr. Clinton. The organ of his opponents in that city, the Public Advertiser, came out with a violent philippic, in which it was stated, that "an abominable intrigue was said to be in contemplation to place Mr. Dewitt Clinton in the chair of the intended Republican meeting;" that "a measure so obnoxious to the Republicans, would destroy the harmony of the meeting;" and that he must establish a reputation for uniformity and consistency of character, before he could "expect to attain the honorable station of a Republican Chairman." The Albany Register pronounced the article in the Advertiser, an unqualified libel; and averred that it was well known in New-York, that Mr. Clinton was to leave for Albany, before the day appointed for the meeting.

The regular session of the Legislature commenced on the 27th day of January, 1809. On the 31st inst., Mr. Clinton offered a series of resolutions, in the Senate, approving of the measures of the National administration, and accompanied their introduction with an able and eloquent speech, in which he re-

viewed the circumstances that led to the passage of the Embargo law, and the seditious conduct of Massachusetts, and other Eastern States. It was on this occasion, that, in the course of a severe and cutting rebuke on the conduct of the Federal party, he charged them with always acting on the principle, that it was 'better to reign in hell, than serve in heaven.' This quotation was afterwards used against Mr. Clinton himself, during the canvass preceding the subsequent Presidential election, with powerful effect. The Federalists in the Assembly, introduced counter resolutions to those of Mr. Clinton, which led to an animated debate, that was ably conducted on both sides. The principal Federal speakers were, Abraham Van Vechten, Daniel Cady, and Jacob R. Van Rensselaer. The views of the Republican party were defended by Nathan Sanford, Roger Skinner, Obadiah German, and Derick L. Van Antwerp. Mr. Clinton's resolutions were adopted in the Senate, without a division, and passed the House by a vote of sixty-one to forty-one.

Jonathan Ward, James G. Graham, Isaac Kellogg, and Alexander Rhæ, were chosen members of the Council of Appointment. The Council made no changes of importance this year, except that Solomon Southwick was made Sheriff of the city and county of Albany. Before the close of the session, the Legislature elected Obadiah German, as the successor of Doct. Mitchell in the United States Senate.

The contest between the Federal and Republican parties was conducted with great asperity, during the winter and spring of 1809. The injurious effects of

the Embargo law upon the commerce of the country, furnished the Federalists with numerous palpable arguments, which they used with great effect. But as they went so far in denouncing the National administration, as to condemn it for not going to war with France, the old prejudices of 1798 were at once revived ; and when the Federalists, particularly in the Eastern States, began to urge that we had no just cause of complaint against Great Britain, the Republicans naturally indulged the hope that they would be able to maintain their ground, even in defense of so unpopular a measure. Early in the month of April, Mr. Erskine, the British Ambassador at Washington, entered into a treaty with the Government of the United States, providing for the repeal of the orders in Council affecting the American trade, on the 10th day of June, 1809. A proclamation was immediately issued, setting forth the conditions of the treaty ; and copies of it were forthwith distributed throughout the State of New-York ; but they arrived too late to affect the election, and the Federalists, in many cases, denied the authenticity of the document, and pronounced it an electioneering trick of the enemy. For the first time, since 1799, the Federalists succeeded in electing a majority of the members of Assembly. The vote on Senators, which was given by freeholders only, showed a Republican majority of seven hundred and thirty-one. The Republicans elected Israel Carl, in the Southern ; and Samuel Haight and Johannus Bruyn, in the Middle District. Daniel Parris and John Stearns, from the Eastern District ; and Jonas Platt, Seth

Phelps, and Amos Hall, from the Western, were Federalists.

The Republicans were so much elated at the prospect of the repeal of the Embargo law, that the 10th day of June was celebrated as a day of triumph, in all the principal cities and towns in the State, and Mr. Madison and his Republican friends and advisers were lauded to the skies; but these rejoicings were soon brought to a close, upon the arrival of the intelligence that the British Government had disavowed the act of their Minister. The Federalists thereupon charged Mr. Madison with having entered into the arrangement with Mr. Erskine from corrupt motives, and in the full knowledge that the latter had no power to treat. This charge, although evidently unfounded, produced some impression, but it failed of removing entirely the odium which public opinion deservedly attached to the conduct of Great Britain.

Mr. Croswell, who had formerly been indicted for a libel on Mr. Jefferson, removed this year to Albany, and commenced the publication of a Federal paper, entitled "The Balance and New-York Journal." The American Citizen, had long since lost caste with the Republican party, and Charles Holt, one of the victims of the sedition law in Connecticut, established a Clintonian Republican paper in New-York, under the name of "The Columbian."

On the 5th of January, 1810, the Federalists commenced the campaign, previous to the April election, by the nomination of Jonas Platt as their candidate for Governor, at a meeting held in the city of Albany, of which Abraham Van Vechten was Chairman.

Gen. Platt was one of the Senators elect from the Western District, and one of the earliest pioneers in the county of Oneida. Nicholas Fish was nominated, at a subsequent day, as the Federal candidate for Lieut. Governor.

The Legislature convened on the 30th day of January. William North, of Duanesburgh, was chosen Speaker, by fourteen majority, over William Livingston, the Republican candidate. Gov. Tompkins' speech justified the measures of the National administration, and advised the encouragement of domestic manufactures in the State, and the improvement of the common schools. The first business in order, was the choice of a Council of Appointment. There was not a single Senator from either the Southern or Middle Districts, who had been chosen as a Federalist, and the Assembly finally elected Israel Carl, from the Southern, and Robert Williams, from the Middle District. The Federal members chosen were, Daniel Parris, and Amos Hall. Mr. Carl's integrity, as a politician, was above suspicion; but Mr. Williams readily listened to the overtures of the opposition, and united with them in bestowing the offices, in the gift of the Council, on the most clamorous partizans in the Federal ranks. It is sufficient to add, that this desertion of his party, at so important a crisis, was looked upon with so much abhorrence, that he was never again honored with the confidence of his fellow citizens.

At the first meeting of the new Council, after removing the various incumbents, Abraham Van Vechten was appointed Attorney General; Daniel

Hale, Secretary of State ; Theodore V. W. Graham, Recorder of Albany ; Jacob Radcliff, Mayor of New-York ; Josiah O. Hoffman, Recorder ; John W. Mulligan, Surrogate ; and Cadwallader D. Colden, District Attorney, of that city. James Talmadge was removed from the office of Surrogate of Dutchess county, to make room for Thomas J. Oakley, the son-in-law of Mr. Williams. Mr. Oakley was a young lawyer, of promising abilities, and is now one of the Judges of the Superior Court of the city and county of New-York. The Council made thorough work of the removals from office ; and County Clerks, Judges, Sheriffs, District Attorneys, Surrogates, and Justices of the Peace, were constantly made to feel its power.

The answer to the Governor's speech elicited a lengthy debate in the Assembly. The Federal side of the question was supported by Messrs. Van Vechten, Cady, and Grosvenor, who openly avowed the opinion, that we had less cause of offense toward Great Britain, than we had toward France. The Republican speakers were, Doct. Mitchell, of New-York, and Messrs. Skinner, Van Antwerp, and Comstock. The answer reported by the Federal committee was adopted, by a vote of fifty-nine to forty-six. In the Senate, the Federalists were in a small minority ; and although Gen. Platt, and Mr. Parris, resisted the adoption of an answer sustaining the views of Gov. Tompkins, it was carried by a strong vote ; the substitute, offered by Gen. Platt, receiving but six votes, to twenty-three in opposition. The message of Gov. Tompkins, and the policy of Mr. Madison's administration, were ably defended by

Dewitt Clinton, and Judge Tayler. No public business of general importance was transacted at this session. Previous to the adjournment, Abraham G. Lansing, who had proved a faithful and efficient officer, was again chosen Treasurer of the State.

The activity of the Federalists, in making preparations for the approaching election, induced serious apprehensions in the minds of the intelligent and reflecting men in the Republican party, that their prospects of success were extremely doubtful. The former, of course, regarded it as a life and death struggle with them, and they made every effort in their power to increase their strength. The Republican party were by no means disheartened, and at the caucus held by the members of the Legislature, on the 5th of February, Tompkins and Broome were re-nominated, without a dissenting voice. Dewitt Clinton drew up the address adopted on the occasion, which was signed by all the Republican members. Gov. Lewis was put in nomination in the Southern District, on the same ticket with Gov. Tompkins, as a candidate for Senator.



## CHAPTER VII.

1810—April Election—Activity of both Parties—Influence of the National Government—The Non-Intercourse system substituted for the Embargo law—Re-election of Gov. Tompkins—The Martling Men—Dewitt Clinton, as a political leader—Death of Lieutenant Governor Broome—Session of the Legislature in 1811—Movements of the Republican Council—Casting vote of George Clinton, on the Bill to re-charter the United States Bank—Dewitt Clinton nominated as the Republican candidate for Lieutenant Governor—The Mechanics and Farmers' Bank—Efforts of the Martling Men to defeat Mr. Clinton, and their nomination of Marinus Willet—Tammany Hall—Nicholas Fish nominated for Lieutenant Governor, by the Federalists—April Election of 1811—Election of Mr. Clinton—General success of the Democratic party—Difficulties between Great Britain and the United States—Dewitt Clinton's determination to oppose Mr. Madison's re-election—Legislature of 1812—Bank of America—Attempt to bribe members of the two houses—Prorogation of the Legislature by Gov. Tompkins—The Albany Register, and Mr. Clinton's friends, opposed to the Governor—April Election—Federal majority in the Assembly—Death of George Clinton—Re-assembling of the Legislature—Charter of the Bank of America—Nomination of Dewitt Clinton, as the candidate of the Republican party in New-York, for President—Opposition to the nomination in the Democratic ranks—Declaration of war against Great Britain—Mr. Clinton supported by the Federalists—Meeting of the Legislature, and choice of Clintonian Electors—Re-election of Madison—The Tammany Society—The National Advocate—Henry Wheaton—Legislature of 1813—Rufus King elected United States Senator—Thomas Addis Emmett appointed Attorney General—Gideon Hawley—The Federal Council—Re-nomination of Gov. Tompkins—Stephen Van Rensselaer the Federal candidate for Governor—1813.

THE annual election in April, 1810, was conducted with much warmth and activity. The removal of the Republicans from office had the natural tendency to call out all their forces. The Federal-

ists were equally determined on maintaining the ascendancy which they had acquired after so many reverses and disappointments; but the substitution of the Non-Intercourse system for the Embargo law, the refusal of Great Britain to carry Mr. Erskine's treaty into effect, and the influence of the National administration, were insurmountable obstacles in the way of their success. The Republican party achieved a complete triumph in the State. Seventy-nine thousand five hundred and seventy-eight votes were cast for Governor. Mr. Tompkins received forty-three thousand and ninety-four, and Mr. Platt thirty-six thousand four hundred and eighty-four. The Republicans elected their candidates for the Senate, in all the Districts, and a large majority of the House of Assembly. The following were the Senators chosen at this election, viz: Ebenezer White, in the Southern District; James W. Wilkin, and Morgan Lewis, in the Middle; Henry Yates, Jr., in the Eastern; and Nathan Smith, Reuben Humphrey, Henry A. Townsend, and Philetus Swift, in the Western.

The operations of the Martling Men against Dewitt Clinton, during the summer of 1810, were perseveringly continued. Many of these persons were in the confidence of several of the members of Mr. Madison's administration, and were secretly aided in their movements by the influence of the General Government. Mr. Clinton possessed, in a remarkable degree, some of the most important attributes which go to make up the character of the leader of a political party. His unflinching reliance on his own energies, and the proud independence, and indomitable spirit, which he

displayed in directing the efforts of his friends, who looked up to him as their guide, and who trusted in him to carry them safe through every emergency, and sustain them in every crisis, must command our admiration. But the great defect in his constitution, was the tendency to forget, and to neglect, the means which were necessary to his support. He was too apt to imagine that he could mould every thing, on the spur of the moment, in conformity to his wishes. He disdained to rely on those resources which, more than all others, are necessary to a party chief; and, like the gallant Harry Percy, he fancied he was a host in himself, but in the hour of his need, the spirits whom he summoned would not always respond to his call. The efforts of the Martling Men, he treated, and without doubt in all sincerity, with undisguised contempt; when they were cautiously, but successfully, laying their plans for his eventual prostration.

Lieut. Governor Broome, who had been re-elected in April of this year, died in the month of August. He was an estimable man, and a good citizen, and his loss was regretted by a large number of personal friends in both parties.

The Legislature assembled on the 29th day of January, 1811. Nathan Sanford, of New-York, was chosen Speaker, by thirty-one majority, over the Federal candidate. Stephen North, of Delaware county, was elected Clerk. On the 30th instant, Benjamin Coe, James W. Wilkin, John McLean, and Philetus Swift, were chosen members of the Council of Appointment. The election of this Council was follow-

ed by proceedings similar to those which had been witnessed for two or three years previous. Removals and restorations were the order of the day. Mr. Hildreth was re-appointed Attorney General, and Mr. Jenkins again became Secretary of State. The Mayoralty of New-York was restored to Mr. Clinton; and Mr. Yates was re-appointed Recorder of Albany. Every officer in the State, of any consequence, with but very few exceptions, was made to undergo the torture of the official guillotine; and, in some instances, the friends of Gov. Lewis were taught to feel, from their own experience, that they were as insecure in their places as the most open and avowed Federalists.

The impaired health of Mr. Sanford compelled him to resign the office of Speaker, on the 14th of February. William Ross was chosen to fill his place.

An attempt was made in Congress, during the winter of 1811, to obtain a renewal of the charter of the United States Bank, which expired that year. The proceedings of the two houses, while the question was pending, excited considerable attention; and the speeches on both sides, which were remarkable for the display of a high order of talent, were read with avidity. The bill finally passed the House of Representatives, but was rejected in the Senate, by the casting vote of George Clinton, the Vice President. This act brought down upon that gentleman the severe censure of a number of Mr. Madison's friends, who wielded an immense influence in the country, but it ultimately proved to be highly popular with a large majority of his countrymen.

Early in the session of the New-York Legislature,

an act was passed, providing for the election of a Lieut. Governor; and, on the 14th of March, Dewitt Clinton was put in nomination for the office, at a caucus of the Republican members. This selection was made with great unanimity. The office itself was merely one of honor, and brought with it no pecuniary emoluments; but it is probable that Mr. Clinton was anxious to have some ostensible reason for being at Albany during the sessions of the Legislature, and taking a part in the political movements which were constantly going on at the Capitol. Before the close of the session, the Mechanics and Farmers' Bank, of Albany, obtained a charter. By the terms of the act of incorporation, the President, and a majority of the Directors, were required to be mechanics. These provisions were repealed in 1836. Solomon Southwick, who was, at this time, in the enjoyment of a large share of public favor and patronage, as the editor and publisher of the Albany Register, the official Democratic journal in the State, was the first President of the institution.

Immediately upon the arrival of the intelligence in New-York, that Mr. Clinton had been put in nomination as the Republican candidate for Lieut. Governor, a meeting was called in Martling's Long Room, a public house fronting the Park, now better known by the name of Tammany Hall. Mangle Minthorne presided at this meeting, and John Bingham officiated as Secretary. After adopting a preamble and resolutions, setting forth their reasons for believing that Dewitt Clinton was "determined to establish, in his person, a pernicious family aristocracy; that devotion

to him had been, in a great measure, made the exclusive test of merit, and the only passport to promotion"; that he was opposed to the election of Mr. Madison to the Presidency, and could no longer be considered a member of the Democratic party; Marinus Willett, an active Lewisite, was nominated as the Republican candidate for Lieut. Governor, and a committee appointed to promote his election, consisting of Teunis Wortman, a warm friend of Clinton in the contest with Burr, Dr. Samuel L. Mitchell, John Ferguson, and Matthew L. Davis. Col. Willett had been an officer in the American service, during the revolutionary war, and possessed considerable influence and popularity. It was confidently asserted, in the course of this struggle between the opposing factions in the Republican ranks, that President Madison favored the enemies of Mr. Clinton; and, as if to confirm the truth of the allegation, Nathan Sanford, the District Attorney of the United States, in New-York, publicly acted with the supporters of Mr. Willett.

Soon after the Martling meeting, the Clintonians assembled at the Union Hotel, for the purpose of approving the nomination of Mr. Clinton; but before they had proceeded to business, the Martling Men rushed in, and compelled them to separate in confusion. The Federalists selected Nicholas Fish as their candidate for Lieut. Governor. Previous to the election, the manner of nominating the Republican candidates for Senators was changed. Instead of allowing the members of Assembly from each District to make the selection, District Conventions were held, composed of delegates from the different counties.

But little animation prevailed at the election, except in the city of New-York, where a large number of Mr. Clinton's opponents voted for the Federal candidate. The Federal Assembly ticket also succeeded in that city, by over fourteen hundred majority; Samuel Jones, Jr., the present Chief Justice of the Superior Court of New-York, and Peter W. Radcliff, were among the members elect. The Senators elected this year were, Nathan Sanford, from the Southern; William Taber, and Erastus Root, from the Middle; John Tayler, Ruggles Hubbard, Elisha Arnold, and Ketchel Bishop, from the Eastern; and Casper M. Rouse, from the Western District; all Republicans. Notwithstanding there were two candidates arrayed against him, Mr. Clinton was chosen Lieut. Governor, by a large majority.

The breach between Great Britain and the United States, which commenced in 1806, continued gradually to widen, down to the year 1811, when it began to assume a far more serious and threatening aspect. On the first day of March, Mr. Pinckney, the American Minister, formally took leave of the Prince Regent. After this termination of our diplomatic intercourse, it was generally thought that a rupture with the English Government was inevitable. The American harbors were filled with French vessels, which were fitted out as privateers, and did considerable damage to the English shipping. On the 16th of May, the frigate *President*, commanded by Commodore Rodgers, was attacked by the British sloop of war, *Little Belt*, whose officers vainly imagined they were a match for a far superior force. The *Little*

Belt lost thirty-two men, killed and wounded, in the action, and was then magnanimously permitted to return to its harbor. The intelligence of this collision inflamed the feelings, and aroused the patriotism, of the American people, to the highest pitch. The right of search claimed by the British Government, and resisted by the American, affected too nearly the national honor, to be yielded without a struggle; and an accommodation of this, and other questions in dispute, was rendered more difficult, on account of the refusal to recall the objectionable orders in Council, which was insisted upon by the authorities of the United States, as an indispensable preliminary to any definite arrangement. President Madison seems, at first, to have inclined to the opinion, that the Non-Intercourse system would eventually bring the British Government to terms; and, therefore, did not recommend the adoption of decided and energetic measures. This alledged dilatoriness on the part of the Executive, was severely censured by many of his warmest friends; and upon the urgent remonstrances of Mr. Clay, and others, he was induced, in his annual message to Congress, to call their attention to the imperative necessity of increasing the army, and raising money, for the purpose of protecting the interests, and defending the rights of the nation.

Among others who complained of the inefficiency of Mr. Madison, was Dewitt Clinton, who, early in the summer of 1811, began to make preparations for taking the field as the opposing candidate, at the ensuing Presidential election. In the then excited state of public feeling, it would have been no difficult



matter to persuade a large number of the most ardent Democrats, that the prudence and caution of the President, were indubitable evidences of mental weakness and cowardice; but when it was discovered that Mr. Clinton was acting in concert with the leaders of the Federal party, whom he had so bitterly denounced on a former occasion, he was abandoned by nearly all his Republican friends, with the exception of his more devoted personal adherents in this State. The New-York Legislature had passed an act during the session of 1811, appointing Gouverneur Morris, Stephen Van Rensselaer, Dewitt Clinton, William North, Simon Dewitt, Thomas Eddy, Peter B. Porter, Robert R. Livingston, and Robert Fulton, Commissioners to make application to Congress, or to any State or Territory, or to private individuals, or companies, to co-operate with New-York, or to furnish means, for carrying into effect the project of improving the navigation between the Hudson river and the Western lakes. This was the first step taken towards the commencement of the Canal system of this State, and, although far from being a party measure in its inception, afforded an opportunity to the Martling Men, especially after Mr. Clinton and Mr. Morris visited Washington together in December, shortly after the commencement of the session of Congress, to charge the former with making electioneering journeys, and with favoring the canal project, rather as a political hobby to ride into power, than as a measure calculated to promote the best interests of the State.

Another project, originating with a number of Federalists, and a few of Mr. Clinton's friends, attracted

considerable attention during the summer of 1811. The failure of the United States Bank to obtain a re-charter, having thrown a large amount of capital out of circulation, a plan was formed to establish a banking institution in the city of New-York, with a capital of six millions of dollars. Inasmuch as a majority of the Legislature were Republicans, and would, of course, be jealous of any attempt to charter a company possessing so much power, to be wielded by their political opponents, David Thomas, a Republican member of Congress in 1798, and subsequently Treasurer of the State, and Solomon Southwick, the editor and proprietor of the Albany Register, were selected as the confidential agents of the company, to operate upon the Democratic members, in advance of the approaching winter session.

The Legislature convened on the 28th day of January, 1812. Alexander Sheldon, the old Republican Speaker, from Montgomery county, was again chosen, and Samuel North was elected Clerk. The Governor, in his speech to the two houses, called their attention to the anticipated application for an increase of the banking capital of the State, and expressed his serious doubts, whether or no banks had not already been "multiplied to an alarming extent;" but no allusion was made to the projected internal improvement scheme, or to the proceedings of the Commissioners, under the law passed at the previous session. The Council of Appointment chosen this year, consisted of William W. Gilbert, Johannus Bruyn, Henry Yates, Jr., and Francis A. Bloodgood, who were friendly to Mr. Clinton, and disposed to carry out his wishes.

On the 8th day of February, David Thomas was appointed State Treasurer, in the place of Mr. Lansing, by an act of the Legislature, passed on that day. This appointment was regarded as a secret movement to strengthen the bank interest, by a portion of the Democratic members, upwards of twenty of whom refused to vote for Mr. Thomas.

The application for the incorporation of the Bank of America, was made at an early day in the session. Besides other inducements held out to the Legislature in the petition, a bonus of six hundred thousand dollars was offered for the charter, to be paid and distributed in the following manner: four hundred thousand dollars to be paid to the Common School fund; one hundred thousand dollars to the Literature fund; and one hundred thousand dollars to the Treasury of the State, at the end of twenty years, provided no other bank charter should be granted in the mean time. It was also proposed to loan one million of dollars to the State, at five per cent. interest, for the construction of canals; and the same amount to farmers, at six per cent. These proposals were printed in hand-bill form, and were circulated all over the State. Gov. Tompkins, Judge Spencer, Judge Tayler, and other prominent Republicans, came out openly and decidedly against the measure. Dewitt Clinton also announced his objections to granting the charter, but at the same time declared, that he should not be drawn into a quarrel with those of his friends who chose to advocate it. This determination led to an estrangement between himself and his brother-in-law, Judge Spencer, who was charged with being actuated by selfish

motives, on account of his connection with the State Bank, and the Manhattan Company, which ultimately led to the most bitter personal hostility. Gen. Thomas, Mr. Southwick, and other active agents, in the attempt to procure the charter, were loud in their praises of Mr. Clinton, and avowed their preferences for him as the candidate for the next Presidency. Influences of this character, and others still more corrupt and indefensible, were brought to bear upon the members. The whole business of legislation was retarded, and a regular system of bribery, almost without parallel in the history of civilized governments, was established and carried on, until the final passage of the bill in the Assembly, by a vote of fifty-eight to thirty-nine. The attempts of the agents of the company to obtain votes for the charter, by means of the most shameless bribery and corruption, were made known before the bill went to the Senate, and a motion was made in that body, when in committee of the whole, to reject it, which was lost; thirteen Senators voting in the affirmative, and fifteen in the negative.

The result of the vote in committee, and the fact that Edward P. Livingston, a friend of the bill, occupied the Chair, and had not voted, rendered it certain that the charter would be granted, if means were not taken to prevent it. Accordingly, Gov. Tompkins, on the 27th day of March, sent a message to the Legislature, proroguing it until the 21st of May. Immediately upon the reception of the message, a scene of violence and confusion ensued, which, at one time, promised to beget anarchy and violence. The Governor, who had only exercised the power vested in

him by the Constitution of 1777, was denounced in unmeasured terms, as a tyrant and usurper. All the prejudices that could possibly be arrayed against him, were seized upon with avidity, and it was earnestly asserted, on the part of the bank men, that Mr. Tompkins was looking forward to his own elevation to the Presidency, at some future time; and that his only object in proroguing the Legislature, was to prevent the nomination of Mr. Clinton by a Legislative caucus, in anticipation of the selection of Mr. Madison by the Democratic members of Congress. This charge was wholly unsupported by proof, and the prorogation certainly could not have produced any such effect, as a caucus might have been held just as well after it, as at any other time, if the bank men, who professed to be friendly to Mr. Clinton, had not expressly refused to attend, as was the case. The reason assigned by the Governor for the prorogation, was, that sufficient proof had been made to him, that the applicants for the charter had corrupted, or attempted to corrupt, the members of the Legislature; and, in this view of the case, the exercise of this extraordinary power was justifiable. That the proof to which the Governor alluded was of the most convincing character, is pretty evident, from the fact, that John Martin, one of the agents of the bank, was afterwards convicted of attempting to bribe certain of the members, and sentenced to the State prison. Gen. Thomas was indicted for an attempt to bribe Casper M. Rouse, a Senator from the county of Chenango, and, on the trial, it appeared that in the fall of 1811, he had distinctly made the offer

to Mr. Rouse, to take ten shares of the stock of the contemplated bank ; and upon the refusal of the latter to accept the offer, on the ground that he was not a friend to banks, and had no money to invest in them, Mr. Thomas pledged himself that Rouse should realize one thousand dollars profit on the stock. It likewise appeared, that sometime in March, 1812, when it was feared that there would be an investigation of the corrupt means used by the friends of the bank, Mr. Thomas went so far as to assure Rouse, that he should have the one thousand dollars, at the same time requesting him not to divulge what had transpired between them. It was successfully urged, on the part of the defense, that Rouse's conduct was wholly inconsistent with the testimony against Thomas, as he had supported the latter for State Treasurer, in February, 1812. The prejudice excited in this manner against Rouse, who appears to have been a well meaning man, though not very cautious or shrewd, operated so far with the jury as to secure the acquittal of Thomas, who afterwards denied the facts stated by Rouse, in an extra judicial affidavit. Solomon Southwick was also indicted and tried, in Montgomery county, for an attempt to bribe Doct. Sheldon, the Speaker of the Assembly. The testimony against Mr. Southwick was positive, and almost conclusive, but the jury were beset with the same argument which produced such an influence in the case of Gen. Thomas, viz: that Doct. Sheldon had voted for Southwick as a Regent of the University, long after the attempt to bribe, charged in the indictment ; and, consequently, they found the defendant not guilty.

Before the members left Albany, after the prorogation, an address to their constituents was adopted, and signed by thirty-nine Republicans, approving of the measure. Twenty-eight members, belonging to the same party, published a formal protest against the course of the Governor. The Albany Register immediately took ground against Gov. Tompkins, Judge Spencer, Judge Tayler, Mr. Jenkins, the Secretary of State, and their friends, all of whom it attacked with great severity. Judge Spencer, and his friends, soon after established a paper, under the name of "The Albany Republican," to defend themselves against the charges made in the Register, which was kept in existence a few months, but discontinued during the following summer.

The April election found the Republican party completely divided; and the Federalists were enabled, without much exertion, to secure a small majority in the Assembly. The Republicans still preserved a majority on joint ballot. Two Republican tickets were supported in the Southern and Eastern Senatorial Districts. In the Southern District, the Clintonian candidates received nearly double the number of votes cast for the Martling ticket. Peter W. Radcliff, and Elbert H. Jones, elected to the Senate from the Southern District, and Gerrit Wendell, from the Eastern District, were Federalists. Martin Van Buren, chosen in the Middle District, and Francis A. Bloodgood, Archibald S. Clarke, Russel Atwater, and Henry Hager, in the Western District, were Republicans.

George Clinton, the Vice President of the United

States, died on the 20th day of April, at the advanced age of seventy-three years. Few men ever possessed, in a greater degree, the confidence and esteem of a political party. For a series of years, he had been recognized as the leader of the New-York Republicans. Their suffrages, and influence, had elevated him to various places of trust and honor, and his death elicited a general and sincere expression of regret.

Prior to the re-assembling of the Legislature, an attempt was made by John C. Spencer, Eli Hill, and others, to procure the appointment of two additional Judges of the Supreme Court, for the purpose of arresting, and preventing, the passage of the bill to incorporate the Bank of America. Judges Lansing, Kent, Thompson, and Van Ness, who constituted a majority of the Council of Revision, were understood to be friendly to the charter; while the Governor, and Judges Spencer and Yates, were opposed. The Council of Appointment had the power to create as many additional Judges as they thought proper; but they wisely refrained from committing one wrong, with a view of preventing another, even though of a much graver character.

The Legislature assembled on the 21st of May, and the Senate resumed the consideration of the bill incorporating the Bank. Erastus Root, of Delaware county, vehemently opposed its passage, and denounced the conduct of the friends of the bank in the strongest terms. The other side of the question was principally maintained by Morgan Lewis, the late Governor. The bill finally passed, by the following vote:

*Ayes*—Arnold, Bishop, Haight, Hall, Hopkins, Hum-



phries, Lewis, Livingston, Martin, Parris, Phelps, Platt, Rich, Smally, Smith, Stearns, and Taber—seventeen. *Nays*—Bloodgood, Carl, Coe, Gilbert, Hubbard, Root, Rouse, Sanford, Tayler, Townsend, White, Wilkin, and Yates—thirteen.

The Federal members of both houses supported the bill, with a single exception—Mr. Lorrillard, of New-York. An investigation of the circumstances connected with the application for the charter, was had in the Assembly, before the final adjournment, and, from the affidavits of Silas Holmes, Nathaniel Cobb, Bennet Bicknell, A. C. Comstock, and Isaac Ogden, all members of that body, it appears that the charge made against the friends and agents of the bank, of bribery and corruption, was established, to the entire satisfaction of every candid and impartial man.

On the 28th day of May, a caucus of the Republican members was held, at which Dewitt Clinton was nominated, as the candidate of the Democratic party in this State for the Presidency. Gov. Lewis, Nathan Sanford, and others, did not attend the caucus; and the Martling Men were subsequently very active in their opposition. Judge Spencer, and Judge Tayler, at first declined taking any part in the matter, but afterwards acquiesced in the nomination. Gen. Root made an able and eloquent speech against the nomination, at a preliminary meeting of the friends of Mr. Clinton. He expressed his sincere admiration of the character and abilities of Clinton, but he argued with great earnestness, that that gentleman could not succeed as the Republican candidate; and that as the Federal candidate, he ought not to be supported.

The Legislature adjourned on the 20th day of June, and on the same day an act was passed in Congress, declaring war against Great Britain. The vote in the House of Representatives, stood seventy-nine to forty-nine. Most of the Democratic members from this State voted against the measure, on the ground, as they alledged, that the country was not prepared for a war, and that extensive preparations were necessary, before a belligerent attitude could, with any propriety, be assumed. Mr. German, one of the New-York Senators in Congress, and a warm and decided friend of Dewitt Clinton, opposed the war in a speech, and voted against the bill. It was said that he represented the views and feelings of Mr. Clinton, and the charge was made against the latter, though upon conjecture solely, that he opposed the passage of the act at this time, through fear that it would have the tendency to increase Mr. Madison's strength, and be certain to defeat his own election. A large majority of the Republicans in the other States in the Union, warmly approved of the declaration; and it eventually proved to be highly popular with the party.

In the month of August, Thomas Addis Emmett, the eloquent Irish advocate, was appointed Attorney General of the State, in the place of Matthias B. Hildreth, deceased.

An attempt was made, in September, to induce Mr. Clinton to withdraw from the Presidential canvass. An interview was had between Gen. King, a Republican from the State of Massachusetts, of considerable influence, and Judge Spencer and Judge Tayler, for the purpose of accomplishing this object; and a letter

was written by the two latter gentlemen, to Richard Riker, of New-York, an active and leading member of the Clintonian Committee, in which they recommended the immediate adoption of this course. Mr. Riker replied to the letter, on the 7th day of October, affirming that the people had made Mr. Clinton a candidate, and that his name could not be withdrawn. This correspondence was published, and occasioned no little excitement in the political circles of the State. The Legislature convened on the 2d day of November, for the choice of Electors of President and Vice President. Jacob R. Van Rensselaer, a Federal member from Columbia county, was elected Speaker, by thirteen majority, over William Ross, the Republican candidate. James Van Ingen was chosen Clerk. It was soon discovered, that some twenty of the Republican members of the Legislature, at the head of whom was Gen. Root, would not consent, in any event, to vote for Clintonian Electors. Through the tact and address of Martin Van Buren, who appeared in public life for the first time at this session, and supported Mr. Clinton as the regular Republican candidate in this State, a Clintonian ticket was selected, and afterwards nominated in the Senate. The Assembly made choice of Federal Electors. On a joint ballot of the two houses, the Clintonian ticket received seventy-four votes, the Federal forty-five, and there were twenty-eight blank votes. Gen. Root, and the other friends of Mr. Madison, cast the blank tickets; and a portion of the Federalists voted for the Clintonian Electors, in order to secure their nomination.

A new apportionment of the members of Congress

was made before the adjournment of the Legislature, under the census taken in 1810. The Congressional election was therefore postponed until December, when the Federalists succeeded in electing twenty of the thirty members chosen from this State. Egbert Benson, then far advanced in life, was one of the number. The result of this election elevated the hopes of the Federalists, and was a source of deep mortification to their opponents.

Among the numerous combinations and factions that were arrayed against Mr. Clinton, in the contest of 1812, was the Tammany Society, or Columbian Order, in the city of New-York. This institution was founded by William Mooney, an upholsterer, during the administration of Washington, in opposition to the Cincinnati Society, which was said to be aristocratical in its tendency. It derives its name from the Indian Chief Tammany, "whose attachment to liberty was greater than his love of life." Its presiding officer is a Grand Sachem, who, with thirteen other Sachems, form a Grand Council, by whom the operations of the Society are conducted. In the regulations of the Order, the year is divided into seasons, viz: the season of snow, the season of blossoms, and the season of fruits. One of the objects of the formation of this institution was, to counteract the centralizing tendencies of the Federal system, and every member was required, at his initiation, to repeat and subscribe an asseveration, that he would "sustain the State institutions, and resist a consolidation of power in the General Government." Most persons of influence and standing in New-York, were, at first, members

of the Society ; and, as it was not connected with party politics, its anniversary, which was held on the 12th of May, was regarded as a holyday. The opposition of President Washington to "self-created societies," afterwards induced a large proportion of its members to abandon it, and it then began to assume a party character, and took ground in favor of Thomas Jefferson. The institution gradually increased in numbers, and in 1812, its members, many of whom were the leaders of the Martling Men, made a powerful rally in support of Mr. Madison.

Upon the final canvass at Washington, it appeared that James Madison and Elbridge Gerry, the regular Democratic candidates for President and Vice President, had each received one hundred and twenty-eight votes ; and that Dewitt Clinton had received eighty-nine votes for President, and Jared Ingersoll fifty-seven for Vice President. The votes of New-Hampshire, Massachusetts, Rhode Island, Connecticut, New-York, New-Jersey, Delaware, and five of those in the State of Maryland, were given to Mr. Clinton.

The Tammany, or Martling party, held a meeting in New-York, in January, 1813, prior to the session of the Legislature, in order to prevent the re-nomination of Dewitt Clinton for Lieut. Governor. Jonathan Thompson was Chairman of the meeting, and John L. Broome, Secretary. A resolution was adopted, recommending a State Convention to be held, for the nomination of Republican candidates for Governor and Lieutenant Governor. A new paper, called the National Advocate, was established in New-York, at the same time, which was known as the organ of the

Tammany party. It was edited by Henry Wheaton, of Rhode Island, afterwards a distinguished lawyer in this State, and, at present, the American Minister to the Prussian Government.

The winter session of the Legislature commenced on the 12th day of January; and on the same day, Peter W. Radcliff, James W. Wilkin, John Stearns, and Jonas Platt, were elected members of the Council of Appointment. Gen. Wilkin, the only Republican in the Council, was selected for the reason, that his District was represented entirely by Democrats. On the 14th of January, the old Republican Council held their last meeting, at which Gideon Hawley was appointed Superintendent of Common Schools, in pursuance of an act passed by the preceding Legislature. The election of a United States Senator, in the place of Gen. Smith, took place in the early part of the session. Rufus King was nominated by the Federalists in the Assembly, by a vote of fifty-five to forty-four. James W. Wilkin was nominated by the Senate. Upon the joint ballot which ensued, Mr. King, contrary to public expectation, was chosen, by seven majority. The vote stood, for King sixty-eight, for Wilkin sixty-one, and there were three blanks. The Tammany party asserted, that this vote was the consideration, given by the friends of Mr. Clinton, for the Federal support he received at the Presidential election. Mr. Wilkin himself, did not attribute his defeat to this cause; and, in 1817, he addressed a letter to Jabez D. Hammond, then a member of Congress from Otsego county, in which he declared his utter disbelief in the report, which was put in circulation in

order to defeat Mr. Clinton, who was at that time the Republican candidate for Governor. The supporters of Mr. Clinton declared, on the other hand, that it was the result of the combination between Thomas, Southwick, and others, to obtain the charter of the Bank of America, in 1812, and that the Federalists had voted for the act of incorporation, with the express understanding that they should have the next Senator. The latter charge was probably not far from the truth, although it was never suspected that Mr. King was a party to the transaction.

Robert R. Livingston, late Chancellor of the State, died on the 28th day of January, in the sixty-sixth year of his age. By his death, and the removal of Edward Livingston from the State, and the appointment of Brockholst Livingston as one of the Judges of the United States Supreme Court, the family lost most of their influence in New-York.

The new Council met on the 8th day of February; and it immediately became evident, that the Federal members were divided in their views. Mr. Platt moved the re-appointment of Dewitt Clinton as Mayor of the city of New-York. This motion was strenuously resisted by Mr. Radcliff, whose brother had formerly been removed to make room for Mr. Clinton, on the ground that he wished to have the office bestowed upon some person belonging to the Federal party. The object of Gen. Platt, who was one of the most influential, and, at the same time, one of the most cautious and sagacious leaders in the ranks of the Federalists, must have been, to prevent Mr. Clinton, whom he had recently supported for the Presidency,

from supposing that his Federal friends were anxious to dissolve their partial connection with him, when it was already understood that he was opposed to the re-election of Gov. Tompkins, and that his influence might be of great service to them at the approaching election. On the 13th of February, Mr. Emmett was removed from the office of Attorney General, and Abraham Van Vechten appointed in his place. Several of the friends of Mr. Clinton were removed from lucrative offices in the city of New-York; but, in some instances, Federalists were selected to fill the vacancies, who were friendly to Mr. Clinton, and had favored his re-appointment. Among others of this class, Josiah O. Hoffman was made Recorder of the city. Before the close of the session of the Legislature, the Council had removed most of the Republican office-holders in the State, and appointed Federalists in their stead.

The Bank of America made application at this session, to be released from the payment of the bonus to the State, and for a reduction of their capital. The application at once encountered the determined opposition of those who were formerly hostile to the bank, and it was alledged that corrupt means were again employed, by the friends of the institution, to accomplish the object they had in view. This allegation was not supported by proof, and the Legislature passed a bill, reducing the capital, and changing the amount of the bonus to one hundred thousand dollars, which was to be paid to the Common School fund.

Charles Z. Platt, a Federalist, was appointed Treasurer of the State, in the place of Gen. Thomas, on the 10th day of February.



An effort was made, during the winter, to procure the passage of a resolution authorizing a loan of five hundred thousand dollars to the National Government, for the purpose of enabling it to carry on the war. The banks in the Eastern States, which were almost entirely under the control of the Federalists, absolutely refused to lend money to the General Administration, and to recognize the treasury notes issued to the public creditor, as currency. The State banks, south and west of New-England, made liberal advances to the Government, but were finally compelled to suspend specie payments, when their paper began rapidly to depreciate. The proposition introduced into the New-York Legislature, was advocated in the Senate, with great ability, by Gov. Lewis, Gen. Root, and Mr. Van Buren, and subsequently passed that body. In the Assembly, the resolution was warmly and successfully opposed by Mr. Van Vechten, the Attorney General, Elisha Williams, an able lawyer from Columbia county, and Daniel Cady, of Montgomery. The Federal speakers availed themselves of the reverses which the Americans had sustained during the campaign in Canada, in the fall of 1812, to support the charge preferred against Mr. Madison, and his Republican friends, of recklessness in involving the country in a war, while in such an unprepared condition. The principal delegates on the Democratic side, in the Assembly, were John W. Taylor, of Saratoga, and William Ross, of Orange county.

The Republican caucus, for the selection of candidates for Governor and Lieut. Governor, was held on

the 4th of February. Mr. Tompkins was re-nominated, without a dissenting voice. A portion of the members were desirous of continuing Mr. Clinton in the office of Lieutenant Governor. Judge Spencer, Elisha Jenkins, and others, were decided in their opposition to his nomination ; and Gov. Tompkins and Mr. Van Buren probably concurred with them in opinion, although they took no active part, either one way or the other. The final vote in the caucus stood, sixteen for Mr. Clinton, and thirty-two for John Tayler, who was declared nominated. The address adopted by the meeting, was drawn up by Mr. Van Buren, and contained an able exposition of the difficulties between Great Britain and the United States, and an earnest appeal to the electors of the country to support the National and State administrations in this critical emergency.

The Federal caucus was held on the 11th day of February, and was numerously attended. Stephen Van Rensselaer was nominated as the candidate for Governor, and George Huntington, of Oneida county, for Lieutenant Governor.

## CHAPTER VIII.

1813—Opposition of Dewitt Clinton and his friends, to President Madison and Gov. Tompkins—Re-election of Tompkins—Federal majority in the Assembly—The Albany Argus—Jesse Buel—Popularity of Gov. Tompkins—Movements in anticipation of the Presidential Election—Judge Spencer's influence with Madison—Session of the Legislature in 1814—David B. Ogden—Samuel Jones, Jr.—Charles King—John Savage—Samuel Young—Aaron Hackley—William C. Bouck—The Governor's Speech—Loan to the citizens of Buffalo—Judge Kent appointed Chancellor, and Smith Thompson Chief Justice—Course of the Federalists in the Legislature, in relation to the war—Jacob R. Van Rensselaer appointed Secretary of State, and Jonas Platt, Judge of the Supreme Court—Answers of the Senate and Assembly to the Governor's speech—Appropriations to Union College, and other institutions—Improvement of the Common Schools—April Election—Burning of the Public Buildings at Washington—Efforts of Gov. Tompkins and Dewitt Clinton to aid the National Government—Extra session of the Legislature—Laws to raise the pay of the militia, and to encourage privateering—Classification Law—Defense of New-York—Opposition of the Federalists to war measures—The Hartford Convention—The New-York Federalists—Legislature of 1815—Mr. Van Buren appointed Attorney General—Jealousy between Judge Spencer and Mr. Van Buren—Nathan Sanford elected United States Senator—Treaty of Peace between Great Britain and the United States—Gulian C. Verplanck—Hugh Maxwell—Prospects of Mr. Clinton, and his removal from the office of Mayor of New-York—April Election—Jealousy between the Virginia and New-York Republicans—Contest for the Presidency—Legislature of 1816—Contested seat between Peter Allen and Henry Fellows—The Erie Canal—Nomination of Rufus King and George Tibbits, for Governor and Lieutenant Governor, by the Federalists—Re-nomination and re-election of Tompkins and Tayer—April Election—Reconciliation of Judge Spencer and Dewitt Clinton—James Monroe elected President, and Daniel D. Tompkins, Vice President—Legislature of 1817—Abolition of Slavery in this State—Resignation of Gov. Tompkins, and nomination of Dewitt Clinton by the Republicans—Peter B. Porter supported by the Tammany party in New-York—1817.

THE Federalists had confidently counted on their success at the April election, in 1813, ever since the

result of the Congressional canvass in December. They were considerably emboldened in their expectations, when the proceedings of the Republican caucus were followed by an address, signed by Philip Van Cortland, Obadiah German, and thirty-nine other friends of Mr. Clinton, attacking the administration of Mr. Madison, and charging Gov. Tompkins and Judge Tayler with being the mere tools of the National Executive. This address was written with great power, and was generally ascribed to Mr. Clinton. It is sufficient to say of it, that its appearance was not followed by any increased manifestation of public confidence in the writer.

The election was conducted with spirit and animation, and terminated, contrary to the general expectation, in the defeat of the Federal party, and the reelection of Gov. Tompkins, who was now regarded as almost invincible. There were eighty-three thousand and forty-two votes cast for Governor: Mr. Tompkins received forty-three thousand, three hundred and twenty-four, and Mr. Van Rensselaer thirty-nine thousand, seven hundred and eighteen. The Republicans also succeeded in three of the four Senatorial Districts; but the Federalists maintained their ascendancy in the Assembly, in consequence of the election of the Federal candidates in the city of New-York, by a small majority. Jonathan Dayton was elected a Senator from the Southern District; Lucas Elmendorff and Samuel C. Ver Bryck, were chosen in the Middle District; James Cochran and Samuel Stewart, in the Eastern; and Farrand Stranahan, Henry Bloom, and Perley G. Keyes, in the Western

District. Messrs. Cochran and Stewart, were the only Federalists elected.

In the summer of 1813, the Albany Argus was established by the friends of Gov. Tompkins, who had been opposed by the Register, with much bitterness, during the contest in April. The Argus was originally placed under the charge of Jesse Buel.

The election of Gov. Tompkins, in despite of the unfavorable circumstances by which he was surrounded, increased his popularity and influence, not only in this State, but also in the nation at large. The Republican party in the Union, regarded 'the Farmer's Boy,' which was the soubriquet generally applied to him by his party friends, as the savior of the country. The continued adherence of the great State of New-York to the National administration, was a matter of deep concern, and it was exceedingly natural, that Mr. Madison and his friends should have hailed the result in this State as their deliverance from a disgraceful peace, and the complete prostration of the party. The success of Gov. Tompkins was attributed, and, in a great degree, with perfect justice, to his own personal popularity. Few men were his equals in the possession of that skill in the management of a party, which is so essential to its leader. He was affable and courteous, in his manners; he always had a kind word for every one; and never forgot the name or face of a person with whom he conversed. United to these qualities, he possessed more than an average share of talent, and was extremely cautious and deliberate in what he said and did. Although neither he or his friends took any very decided steps,

it was evident that he had fixed his eye upon the Presidency, soon after the April election. The defeat of Mr. Clinton, in 1812, and the refusal of the Republican caucus to re-nominate him as their candidate for Lieutenant Governor, rendered his prospects so hopeless, that he was no longer to be feared as a rival. Judge Spencer had openly announced his determination to support John Armstrong, the Secretary of War, as the successor of Mr. Madison. He had also persuaded the President to remove Mr. Curtenius from the office of Marshal of New-York, and to appoint Gen. Smith to fill the vacancy; and, upon his solicitation, also, Mr. Haff was appointed Surveyor of the port, in the place of Mr. Schenck, removed. These changes were made for the reason, that the old incumbents were friendly to Mr. Clinton; and it is probable that Judge Spencer designed, in this way, to increase his own influence, and thus promote the nomination of Gen. Armstrong. Gov. Tompkins, doubtless, suspected the motives which dictated these movements, and as it was hardly to have been expected that he would be content to overlook his own claims, he did not, by any means, lament the increase of the unkind feelings which began to be manifested toward Mr. Spencer, by many of the most influential Republicans, and which eventually destroyed his usefulness and popularity with the party.

The session of the Legislature commenced on the 25th day of January, 1814. James Emott, of Dutchess county, the Federal candidate for Speaker, was elected, by ten majority, over Mr. Ross, the Republican candidate. The leading Federal members of the

House at this session, were David B. Ogden, Samuel Jones, Jr., Charles King, and Jacob R. Van Rensselaer; those on the Republican side, were John Savage, the late Chief Justice, Samuel Young, Aaron Hackley, and William C. Bouck, afterwards Governor of the State.

The speech of Gov. Tompkins was principally occupied with national matters, and recommended that the quota of the direct tax ordered to be raised by a law of Congress, for the purpose of defraying the expenses of conducting the war, amounting to upwards of four hundred thousand dollars, should be obtained by a loan from the Bank of America, and other banks, which was to be re-paid by levying a tax upon the people of the State. Immediately after the reference of the Governor's speech in the Assembly, a joint resolution was offered by Mr. Van Rensselaer, providing for the loan of fifty thousand dollars to the citizens of Buffalo, a large portion of which had been burnt by the British, in the fall of 1812. Mr. Ross made an attempt to postpone the consideration of the resolution, which was successfully resisted. In the course of the discussion, it was alledged by the Republican members, that the Federalists had originated this movement, in order to counteract the unfavorable impression generally entertained of their previous opposition to the war, and to make political capital in the Western District. The resolution was adopted in its original shape, and the names of three Commissioners inserted to distribute the money, all of whom were Federalists. When the resolution was taken up in the Senate, it was amended by striking out the names

of the Federal Commissioners, and inserting Republicans. This amendment led to a disagreement between the two houses, which came very near preventing the passage of the resolution in any shape.

A new Council of Appointment was also chosen on the first day of the session, consisting of Elbert H. Jones, Morgan Lewis, Samuel Stewart, and Henry A. Townsend. Messrs. Jones and Stewart were Federalists; Mr. Lewis was now an ardent supporter of the General administration, and quite friendly to Gov. Tompkins; Mr. Townsend was a Clintonian, and one of the Senators who had voted for the charter of the Bank of America. The office of Chancellor became vacant a short time before the expiration of the term of office of the old Council, Mr. Lansing having reached the age prescribed in the Constitution, and Judge Kent was appointed to succeed him. Smith Thompson was promoted to the office of Chief Justice.

On the 28th day of January, Charles King, a Federal member from New-York, introduced the following series of resolutions, in relation to the brilliant naval victories achieved by our gallant tars, in the fall of 1813, viz:

*“Resolved, That although we cannot approve of the disastrous and destructive war in which we are engaged, the House of Assembly of the people of the State of New-York, feel great satisfaction in expressing their admiration of the conduct of Com. Perry, and his gallant associates, in their action with the British squadron upon Lake Erie, on the 11th of September last, and the high sense they entertain of the gallantry of Lieut. Burroughs, of the United States*



brig Enterprise, who died after conquering a vessel of equal force belonging to the enemy.

"That they deeply lament the fall of Captains Lawrence and Allen, by which their country is deprived of the services of two officers who had already so highly entitled themselves to its admiration and gratitude.

"That, in the opinion of this House, the conduct of our naval commanders and seamen, during this *ruinous* war, ought to satisfy every reflecting mind, that our commercial rights are to be defended and maintained by a navy, *and not by embargoes and commercial restrictions.*"

The resolutions having been taken up for consideration, Mr. Savage and Mr. Young made ineffectual attempts to strike out the words, in the first and third resolutions, which we have placed in italics. The amendments offered by these gentlemen were rejected by a party vote, and the resolutions adopted. In the course of the animated discussion, previous to the final vote, it was charged upon the Federalists, that they were hypocritical and insincere in expressing so much interest in our naval victories and defeats, when, at the same time, they manifested no feeling, whatsoever, in respect to the achievements of the American forces in the land service; but the speakers on that side defended themselves, with great dexterity, by pointing to the well known preferences of the Federal party for a naval force, during the administration of Mr. Jefferson, and their efforts to secure its augmentation at several subsequent periods.

Bills for the repeal of the restraining law, were in-

roduced into the Senate, by Mr. Van Buren, and into the House, by John B. Coles, a Federal member, on the 31st day of February, both of which were subsequently defeated.

At a meeting of the new Council of Appointment, held on the 3rd of February, Elisha Jenkins was removed from the office of Secretary of State, and Jacob R. Van Rensselaer appointed to fill the vacancy. The question of the selection of a Judge of the Supreme Court, in the place of Chancellor Kent, occasioned considerable difficulty in the Council, and produced some excitement in the Legislature. The principal candidate of the Federalists for the office, was Jonas Platt; but as they did not have a majority in the Council, they were unable to accomplish any thing without the assistance of Mr. Townsend, who was considered the representative of Mr. Clinton. With a view of embarrassing the latter gentleman, Mr. Lewis, who now acted in concert with Gov. Tompkins, nominated Richard Riker, of New-York, one of the most ardent and devoted adherents of Mr. Clinton for the last ten years, and, at that time, unwavering in the support of his friend. Mr. Platt, however, was appointed, by the vote of Mr. Townsend, and Mr. Riker at once separated himself from Mr. Clinton.

The answer of the Assembly to the Governor's speech, reflected, in severe terms, upon the policy pursued by the National administration, and the conduct of the Governor. It was adopted, by a vote of fifty-five to forty-one. The reply of the Senate, which was drawn up by Mr. Van Buren, contained a general and unqualified endorsement of both the Na-

tional and State administrations, and concluded with the following eloquent and patriotic sentiments :

“ That, on questions of general policy, or the fitness of individuals for particular stations, we shall ever be exempted from differences of opinion, is not to be expected. Divisions like these are inseparable from the blessings of our free Constitution ; and although some times carried to an excess, which all good men must deplore, they are, notwithstanding, generally productive of much National good. But to suppose that a people, jealous of their rights, and proud of their National character, would, on a question of resisting the aggressions of an open enemy—aggressions which have polluted our soil, and which threaten the subversion of those inestimable political institutions which have been consecrated to freedom by the blood and suffering of their fathers—that on a question of such vital interest, so well calculated to excite all the patriotism, to arouse all the spirit, and to call into action all the energies of the nation, they would waste their strength in useless collisions with each other, would be a reflection upon their discernment and their character which they can never merit.”

The recommendation of the Governor, in relation to the assumption of the quota of the tax, was acted upon in the Senate, and a bill passed that body making provision therefor. The committee to whom the subject was referred, in the Assembly, reported their objections to the bill, and avowed it to be “ their firm conviction, that instead of wasting the resources of the State, by granting them to the General Government, it was the solemn and imperious duty of the

Legislature, to seek the reimbursement of the expenses already incurred by this State, on account of the war." The bill was afterwards rejected, on motion of Mr. Hyde, by a party vote.

A law was passed at this session, through the exertions of Dr. Nott, granting the sum of two hundred thousand dollars to Union College, in addition to previous grants, and making liberal donations to Columbia and Hamilton Colleges, and other scientific institutions. An act for the improvement of the Common School system, drawn by Mr. Hawley, the capable and efficient Superintendent, was passed the 15th of April. Applications were made to the Legislature during the winter, for sixteen bank charters, a few of which passed the Assembly, but all were defeated in the Senate.

Solomon Southwick was put in nomination at a meeting of his personal friends, who styled themselves Clintonians, held in the city of Albany, previous to the April election, in opposition to Guer Van Schoonhoven, one of the regular Republican candidates for Senator. The two parties were pretty equally divided in the District, and the result was, that Geo. Tibbits, one of the Federal candidates, and Mr. Van Schoonhoven, were elected. The remaining Senators chosen this year were, Darius Crosby, from the Southern District; Moses I. Cantine, and William Ross, from the Middle; and Philetus Swift, Chauncey Loomis, Bennett Bicknell, and John I. Pendergust, from the Western; all of whom were Republicans. The Republican party also succeeded in electing a large majority of the members of Assembly, and twenty out of the thirty members of Congress.

The brilliant achievements of the American forces under the command of Generals Brown and Scott, during the summer campaign in Canada, were followed by the disastrous defeat at Bladensburgh, on the 23rd of August, 1814; the surrender of Washington city, and the mutilation and destruction of the public buildings by the British troops, in obedience to the orders of the home Government. This wanton extension of the ravages of war, to the pacific edifices at the seat of Government, excited a deep sensation throughout the United States. Public meetings were held in New-York, and other places, without distinction of party, at which measures were taken to sustain the administration in the vigorous prosecution of the war. Dewitt Clinton contributed a great deal, in his capacity of Mayor of the city of New-York, to allay the fears and apprehensions which were rapidly gaining possession of the public mind, and to give the proper direction to the efforts that were made to rally the people in defense of the country. Another circumstance, which occurred at this time, may be mentioned, as reflecting the highest honor upon the individuals concerned. It having been deemed advisable to put the city of New-York in a state of defense, it was found that it would require some four or five hundred thousand dollars to accomplish the object. Money could hardly be obtained on any terms. The banks made no loans, except on good security; but they agreed to advance the necessary funds, if treasury notes were deposited with them, endorsed by Gov. Tompkins. Rufus King, a prominent Federalist, called upon the Governor, in

order to perfect the arrangement ; the latter, although anxious to do every thing in his power, at first hesitated to assume the responsibility, and assured Mr. King that it would inevitably ruin him. The reply of Mr. King was : " Then ruin yourself, if it becomes necessary to save the country, and I pledge you my honor, that I will support you in whatever you do." The Governor hesitated no longer, and, notwithstanding this act subsequently involved him in numerous difficulties, he had the satisfaction of rendering invaluable assistance at the very time when it was absolutely required.

Gen. Armstrong resigned the office of Secretary of War, immediately after the capture of Washington, and retired to private life.

An extra session of the Legislature was convened at Albany, on the 26th of September, by the Proclamation of the Governor, in order to take into consideration the exposed condition of the State. Samuel Young was elected Speaker, and Aaron Clark, Clerk. The principal time of the session was occupied in discussing the various bills brought forward to provide for the defense of the State, and the support of the General Government. An act, increasing the pay of the militia in the service of the United States, extending as well to those who had served since March 13th, 1814, as to those afterwards enrolled, was passed without any serious opposition. The appropriations under this act were to be made from the State Treasury. An act to encourage privateering, introduced at an early stage of the session, was attacked by the Federalists in the two houses of the

Legislature, and in the Council of Appointment, with unusual severity. Chancellor Kent, as one of the members of the Council, protested against the passage of the bill. His objections were drawn up with remarkable force and ability, and were afterwards published. Their publication drew out Col. Young, who wrote a series of articles for the Albany Argus, over the signature of *Juris Consultus*, in which he defended the bill with much spirit and ingenuity. The Chancellor having made several able replies to Col. Young, the controversy was continued in defense of the proceedings of the Legislature, by Mr. Van Buren, whose communications were signed *Amicus Juris Consultus*, and were highly creditable to his talents and reputation. On the 24th day of October, two acts were passed, respectively providing for the classification of the militia of the State, and the enlistment of twelve thousand men for the term of two years; and for raising a corps of sea fencibles for three years, to consist of twenty companies, for the defense of New-York. A law was also passed, authorizing two regiments of colored men to be raised, for three years. Slaves might be enlisted in these regiments, with the consent of their masters, and were to be manumitted on receiving an honorable discharge. Other laws of a similar character were passed at this session, most of which were opposed by the Federal members, either on the ground that the private rights of the citizen were endangered, or that the defense of the country was the peculiar province of the National Government. The adoption of the war measures which passed the New-York Legislature, may justly be at-

tributed to the earnest advocacy, and unflinching support of Gen. Root, Mr. Van Buren, and Col. Young.

Previous to the adjournment of the Legislature, Solomon Southwick was removed from the office of State Printer, and Jesse Buel, of the Albany Argus, was appointed to supply his place.

The project of holding a Convention of the Eastern States, to deliberate upon the measures necessary to be pursued for the protection of their interests, which were seriously injured by the continuance of hostilities, was one of the most prominent topics discussed among politicians in the summer and fall of 1814. It is, perhaps, impossible to decide with certainty, what were the principal objects of the originators of the Hartford Convention; but it may be safely asserted, that it was their determination to compel the National administration, either directly or indirectly, to conclude a peace with Great Britain, or, if this were found impracticable, to secede from the Union. This movement was not generally favored by the New-York Federalists. The Albany Gazette, one of their leading papers, admitted communications into its columns, justifying the Convention, but no decided steps were taken by the party, as such, in this State. On the contrary, Abraham Van Vechten, Daniel Cady, and other prominent Federalists, were known to be opposed to the measure. Those who favored it, did not receive sufficient encouragement, or countenance, to warrant them in openly expressing their sentiments, and whether or not they constituted a majority of the party, is a question which still remains in doubt.



The intelligence of the passage of the different bills before the New-York Legislature, gave a new impulse to the operations of the General Government, and contributed, in a wonderful degree, to increase the popularity of Gov. Tompkins. The estimation in which he was now held by the Democratic party in the Union, was second only to that with which they regarded Mr. Madison himself; and the President but acted in accordance with what would have been their own spontaneous act, had the power been placed in their hands, when he tendered him the office of Secretary of State. This appointment was declined by the Governor, for the reason, as he alledged, that he could render the nation far greater service if he continued in the office which he then held. The position of New-York at this crisis, was, indeed, a most important one, and the man who stood at the helm of her affairs wielded an immense influence. In addition to the bestowal of the State patronage, Gov. Tompkins was also the financial agent of the United States, in providing the supplies necessary for the subsistence of the troops in this State, and in disbursing the funds employed for that and other purposes. With so many circumstances favorably combining to sustain him in his position, it is not to be wondered, that the Governor was almost idolized by his party, and looked up to with feelings nearly akin to awe and veneration.

The winter session of the Legislature of this State commenced on the 31st day of January, 1815. Jonathan Dayton, Lucas Elmendorff, Ruggles Hubbard, and Farrand Stranahan, were elected to compose the

Council of Appointment. Soon after their election, the new Council held a meeting, at which Mr. Van Vechten was removed from the office of Attorney General, and Martin Van Buren appointed his successor. Most of the Federal incumbents were in like manner removed, and their places supplied by other appointments, before the close of the session. John Woodworth was the opposing candidate to Mr. Van Buren, and the latter was appointed by the casting vote of the Governor. Judge Spencer supported the claims of Mr. Woodworth, and Messrs. Stranahan and Hubbard, voted for him in the Council. Early in the month of February, Nathan Sanford was elected to succeed Gen. German, in the United States Senate. Efforts had been made to secure this place for Gen. Armstrong, after his resignation of the office of Secretary of War, by Judge Spencer and his friends; but the opposition of Gov. Tompkins and Mr. Van Buren, prevented his being brought forward as a candidate. It was then announced, that Mr. Spencer was willing to accept the appointment, and Mr. Van Buren called attention to the report in circulation to this effect, at the Republican caucus held previous to the election. He also stated his belief, that Judge Spencer would not allow his name to be used in connection with the office; but as the friends of the Judge insisted that he would not decline, and moved the appointment of a committee to wait upon him, and make the necessary inquiries, the motion was carried, notwithstanding the opposition of Mr. Van Buren. After discharging their duty, the committee reported, that Mr. Spencer did decline being a candidate, because he "would not put

himself in competition with so young a man as Mr. Sanford."

The opposition of Mr. Van Buren to the appointment of the late Secretary of War, as a United States Senator, and to Judge Spencer himself, when his name was substituted for that of his friend, and the controversy in relation to the appointment of Attorney General, inclined these gentlemen to thwart each other's views whenever an opportunity presented; and Mr. Spencer made no secret of his objections to Gov. Tompkins as the candidate for the next Presidency.

On the 12th of February, the intelligence arrived, that a treaty of peace between Great Britain and the United States, had been signed by the respective Commissioners of the two countries, at Ghent, on the 24th of December, 1814. The rejoicings of the Democratic party on the occasion, were of the most spirited character. Business immediately revived, and the country rapidly recovered from the paralyzing influence which had so long benumbed its energies.

Previous to the adjournment of the Legislature, Gerrit L. Dox was appointed Treasurer, in the place of Mr. Platt. Jacob R. Van Rensselaer was also removed by the Council, and Peter B. Porter, of Black Rock, appointed to the office of Secretary of State. Gen. Porter had distinguished himself, as an officer in the different campaigns on the Niagara frontier, and was highly esteemed by his Republican friends. He did not solicit the appointment of Secretary, and would probably have been content with the selection of Elisha Jenkins, the former incumbent. The latter was the friend of Judge Spencer, and may have been over-

looked by Gov. Tompkins and his friends, on that account ; although he was afterwards appointed Mayor of the city of Albany. The Mayoralty of New-York occasioned some difficulty in the Council. The Tammany party urgently pressed the removal of Dewitt Clinton, who had been a faithful and indefatigable officer, during the war, and the prevalence of the yellow fever, which visited the city twice in the course of his official term. Another party in New-York, which had grown up in the fall of 1814, under the auspices of Peter W. Radcliff, Hugh Maxwell, and Gulian C. Verplanck, the author of a number of satirical articles attacking Mr. Clinton, which appeared in a New-York paper, whom Mr. Clinton designated, in a severe reply to the strictures against himself, written over the signature of "A Traveler," as "a political sect, called the Coodies, of hybrid nature, composed of the combined spawn of Federalism and Jacobinism, and generated in the venomous passions of disappointment and revenge, without any definite character ; neither fish nor flesh, nor bird nor beast, but a non-descript, made up of all monstrous, all prodigious things," desired the removal of Mr. Clinton, and the appointment of Jacob Radcliff. The articles written by Mr. Verplanck, were signed Abimelech Coody, and it was charged by Mr. Clinton, that he was actuated by revenge, on account of his having been indicted for a riot in Columbia College, while Mr. C. was Mayor of New-York. Both Mr. Verplanck and Mr. Maxwell, have since become highly distinguished ; the one for his attainments as a scholar, and the other for his skill and eloquence as an advocate.

Gov. Tompkins hesitated a long time, before determining on the removal of Mr. Clinton ; and Mr. Van Buren, one of whose most confidential friends, Mr. Elmendorff, was a member of the Council, did not seem inclined to take an active part in the matter. The removal, which eventually took place, cannot certainly be justified, except on political grounds ; and those affected the Governor in person, rather than the Republican party. The successor of Mr. Clinton, was John Ferguson, the Grand Sachem of the Tammany Society, who received the appointment, with the understanding that he should soon be transferred to the Surveyorship of the port of New-York, when the office was to be bestowed on Judge Radcliff. This understanding was afterwards carried into effect.

The removal of Mr. Clinton was a severe blow to his expectations. He had depended upon official patronage for several years, as the only means of support for himself and his family. His carelessness in pecuniary matters had been so gross, that he was insolvent for many thousands of dollars ; but his was not a nature to cower before the tempest that howled around him. His firmness never forsook him. Like the adventurous Roman, his reliance was upon his own energies, and so long as he knew that the vessel in which he rode, upheld Cæsar and his fortunes, he could outride the storm, without a single apprehension for the future. Among the many friends who adhered to him, in this adverse condition of his political prospects, none were more devoted, none more sincere in their attachment, than the Irish adopted

citizens, with whom he was always a favorite. He was addressed in their behalf, after his removal from office, by Thomas Addis Emmett, and Dr. McNevin, who assured him of the continued regard of his friends, and that they preferred the moment of his retreat from office, to express their deep sense of his manifold and important services to the public. Mr. Clinton's reply was exceedingly appropriate, and excited an intense feeling of sympathy. After his retirement, he occupied himself with literary pursuits, and in the completion of his scheme for the construction of a canal between the lakes and the Hudson river.

The election in April resulted very differently from what had been anticipated. The removal of Mr. Clinton estranged many Democrats in the city from Gov. Tompkins, and the Federal members succeeded. From the returns made by the canvassers, it appeared that there were sixty-three Republicans, and the same number of Federalists, elected to the Assembly. All the Senatorial districts returned Republicans, except the Eastern. Jacob Barker was elected in the Southern District; Peter R. Livingston, and Isaac Ogden, in the Middle; Abraham Van Vechten, Henry I. Frey, Ralph Hascal, and David Allen, in the Eastern; and Henry Seymour, and Stephen Bates, in the Western District.

The unpopular course pursued by the Federalists, during the war, completely prostrated them as a political party. Their exultation over the reverses sustained by the American troops, whether originating in sympathy for the British cause, or in their anxious desire to witness the disgrace of Mr. Madison, was a powerful argument in the hands of their opponents,

to arouse the prejudices, and inflame the patriotism of the people, who were easily persuaded that the conduct of the Federalists, in opposing all the war measures of the administration, was the natural consequence of the undisguised friendship which they avowed for Great Britain in 1798. It was found impossible to keep up the organization of the party against such an overwhelming expression of opinion, and it seems to have been temporarily abandoned. The leading men in their ranks did not remain idle, although they made no preparations for the approaching Presidential election ; but, on the contrary, they were continually on the alert, in the hope that they might be able to profit from some division in the Republican party. The plan which they thought proper to adopt, for several years after the peace, may be gathered from the following extract, taken from a letter written by William Coleman, editor of the Evening Post, at that time one of the principal Federal papers in the country, to a political friend in Philadelphia : " Generally speaking," says the writer of the letter, " I feel disposed, in common with the leading Federalists here, to stand perfectly still, and wait for events to happen, as Jefferson says, we know not when. Something may come from the quarrels of opposite sections of the Democratic factions, and I think the most we can do is occasionally to *fan the embers.*"

But a short time elapsed after the conclusion of the peace, before it was understood that Mr. Madison preferred the selection of Mr. Monroe as his successor ; and Gov. Tompkins began to experience the same

unkind treatment, from the friends to whom he had rendered so many important services, which had formerly been exhibited, with his assent, toward Dewitt Clinton. It will be recollected, that William P. Van Ness, one of Mr. Clinton's most vindictive opponents, was appointed a Judge of the United States District Court, during the administration of Mr. Jefferson; and that Mr. Madison had frequently manifested his preferences for the Martling Men and Lewisites in this State.

It appears to have been the policy of the "Virginia dynasty," for a series of years, to countenance the minor factions of the Democratic party in New-York, in order that no one man should be able to wield the influence of so powerful a State, to their prejudice. In accordance with this policy, Solomon Southwick, one of the bitterest enemies of Gov. Tompkins, but who favored Mr. Monroe's pretensions to the Presidential chair, was appointed Postmaster at Albany; Gen. Porter, also, who entertained similar views with Mr. Southwick, was appointed one of the Commissioners under the British treaty, to run the boundary line between the United States and Canada.

An active canvass for the Presidential nomination was had in Washington, immediately after the commencement of the session of Congress, in December, 1815. The claims of Gov. Tompkins were pressed with great earnestness by his friends, every one of whom resided north of the Potomac river. The second choice of the large majority of the New-York delegation, was William H. Crawford, of Georgia, formerly a distinguished member of Congress, and



an ardent friend and supporter of the war with Great Britain, and, at the time of which we are speaking, the Secretary of the War Department. A meeting of the Republican members from this State was held, for the purpose of deciding on the course they should pursue. Mr. Hammond, and others, were desirous of taking open ground for Mr. Crawford, in case it was found impossible to procure the nomination of Gov. Tompkins. Gen. Porter, John W. Taylor, and Enos T. Throop, did not seem inclined to commit themselves upon the question, either one way or the other, and the meeting broke up without coming to any determination. Mr. Van Buren was present in Washington, at this time, and manifested but little anxiety upon the subject; although it is probable that he preferred Mr. Monroe to Mr. Crawford. Mr. Clay was also friendly to Monroe. Judge Spencer, who had considerable influence with the New-York delegation, was in favor of Crawford. At the caucus of the Republican members, which was postponed from time to time, until near the close of the session, Mr. Monroe received sixty-five votes, and Mr. Crawford fifty-four. Gov. Tompkins was nominated with entire unanimity, as the candidate for Vice President. Of the members from this State, Messrs. Throop, Irving, and Birdseye, voted for Monroe; and the others voted for Crawford. Gen. Porter had resigned his seat previous to the caucus.

The Legislature of the State was required to convene on the 30th day of January, 1816; but as parties were nearly balanced in the Assembly, the Federal members of that body did not appear, on account

of the absence of several of their number. On the ensuing day, the House was organized, by the choice of Daniel Cruger, of Steuben, as Speaker. He received but one majority, over Jacob R. Van Rensselaer, the Federal candidate. Aaron Clark was elected Clerk, by three majority. As soon as the preliminary organization had been completed, William A. Duer, a Federal member from Dutchess, presented the petition of Henry Fellows, who claimed the seat of Peter Allen, returned as a member elect from the county of Ontario. The facts in the case, as admitted on all hands, were these: Forty-nine votes were given for *Henry* Fellows, in the town of Pennington, as appeared from the certificate of the Inspectors of Election filed in the office of the Town Clerk; but in the duplicate sent to the County Clerk, it was stated that that number of votes was received by *Hen.* Fellows. These forty-nine votes were rejected by the County Clerk, and the certificate given to Mr. Allen, when the opposing candidate was elected, in fact, by thirty majority. This contested election case occupied the whole time of the House during the first week of the session. There were but one hundred and twenty-three members present, the other seats having been vacated by sickness and death, and the vote of Mr. Allen gave one majority to his party friends. The discussion which arose upon the question, was conducted with much spirit and asperity. The most prominent Federal speakers were, Mr. Duer, Peter A. Jay, Thomas J. Oakley, Jacob R. Van Rensselaer, James Vanderpoel, and James Lynch, all gentlemen of conceded ability, and influential members of the

party. On the other side were, Col. Leavenworth, of Delaware county, John H. Beach, of Cayuga, and Gamaliel H. Barstow, of Tioga. Col. Young had not been returned to this Legislature, on account of a schism in the Democratic ranks in Saratoga, which prevented his re-nomination.

While the Allen case was pending in the House, the whole business of the Legislature was suspended. The lobbies were crowded with anxious spectators, and the Senators even took a far deeper interest in the discussion, than in the proceedings of their own body. Mr. Van Buren was frequently on the floor of the Assembly, and occasionally gave Mr. Beach the benefit of his suggestions. This furnished an opportunity to Mr. Duer to rebuke "gentlemen of the Senate," as he termed them, for interfering in the business of a co-ordinate branch of the Legislature. Various motions and appeals were offered and taken by the Federal members, but the Republicans were determined on completing the organization, and electing a Council of Appointment, before allowing the question of the contested seat to be settled; and accordingly, every Federal proposition was voted down. Mr. Allen's name was recorded on each question, even when his own right to vote was concerned.

On the 4th of February, a resolution was adopted, providing that the House should proceed immediately to the choice of a Council of Appointment; whereupon the following gentlemen were elected, viz: Darius Crosby, William Ross, Perley G. Keyes, and Archibald S. Clark. The committee on elections made a unanimous report, the next morning after the choice of the Council, in favor

of the right of Mr. Fellows to the contested seat. On the question of agreeing with the report, one hundred and fifteen members voted in the affirmative, and one, Mr. Ganson, of Genesee, in the negative. This indefensible course of the Republican members of the Assembly, was never attempted to be justified, except on purely party grounds; and "*the Peter Allen Legislature*" soon became a term of reproach to the participants in this disgraceful transaction.

The Governor's speech referred, in general terms, "to the prospect of connecting the waters of the Hudson with those of the Western lakes and of Champlain," and, without expressing any decided opinion on the question, he suggested to the Legislature the propriety of considering whether or no a portion of the revenues of the State could be appropriated to the accomplishment of the work, "without imposing too great a burthen upon their constituents." Shortly after the organization, an able memorial in favor of constructing the Erie and Champlain canals, drawn up by Dewitt Clinton, and signed by himself, William Bayard, John Pintard, and a number of other gentlemen of the first standing in the city of New-York, was presented in the House. A public meeting, which was quite numerously attended, was also held in Albany, and a memorial of the same purport adopted, and signed by Chancellor Lansing, Archibald McIntyre, and others. In obedience to these repeated expressions of the public will, an act was passed by the Legislature, entitled, "An act to provide for the improvement of the internal navigation of this State." The Canal Commissioners appointed by the

law were, Stephen Van Rensselaer, Dewitt Clinton, Samuel Young, Joseph Ellicott, of Genesee, and Myron Holley, of Ontario. All these gentlemen were decided friends of the canal policy, with the exception of Col. Young, who had entertained some doubts as to the expediency of the measure, but was held in high esteem for his talents and integrity of character.

An act was also passed at this session of the Legislature, re-organizing the Senatorial Districts in the State, by which, among other changes, the counties of Albany, Otsego, Schoharie, and Chenango, were annexed to the Middle District. But little business of importance was transacted, by the Council elected by the vote of Peter Allen, except the appointment of Robert Tillotson, the son of Doct. Tillotson, as Secretary of State, in the place of Gen. Porter, who had resigned the office.

The Republican caucus was held on the 20th day of February, and Gov. Tompkins and Judge Tayler, were again put in nomination. The Federal members do not appear to have entertained any very confident expectations of success, although they selected Rufus King, and George Tibbits, of Troy, as their candidates for Governor and Lieutenant Governor. The nomination of Mr. King was probably the most popular one which could have been made, as he had taken a decided stand in favor of the war, and was able to command the entire strength of his party; but even this favorable selection did not prevent the complete defeat of the Federal ticket. Gov. Tompkins was re-elected in April, by six thousand seven hundred and sixty-five majority, in a poll of eighty-four

thousand and fifty-nine votes. All the Districts, except the Eastern, returned Republican Senators; and two-thirds of the members of the lower house were of the same political complexion. The Senators chosen this year, were John D. Ditmis and Walter Bowne, in the Southern District; Martin Van Buren, John Noyes, and Peter Swart, in the Middle; and Ephraim Hart, John Knox, and William Mallory, in the Western District.

At a meeting of the Council of Appointment, held on the 8th of July, John Van Ness Yates was removed from the office of Recorder of the city of Albany, upon the pressing solicitation of Judge Spencer; and Philip S. Parker, a nephew of the Judge, was appointed to supply the vacancy. The only ground of objection to the continuance of Mr. Yates in office, was, that he had been officious in procuring the charter of the Bank of America, and was an active Clintonian. This latter objection came with an ill-grace from Mr. Spencer, between whom and Mr. Clinton, a reconciliation had been effected during the previous winter, and it afterwards occasioned him considerable embarrassment. Judge Spencer was a man of superior talents, and from his long acquaintance with the most active Republicans in the different counties of the State, was enabled to command an influence, which, at one time, appeared to be almost irresistible. Mr. Van Buren had so often thwarted him in his ambitious views, and, withal, was so formidable an opponent, especially when acting in concert with Gov. Tompkins, that he had determined on taking care of his own interests, in preference to those of others.

A majority of the Council of Appointment were his friends, and, in most cases, appeared ready and willing to carry out his wishes.

The New-York Legislature met on the 5th day of November, in order to make choice of Presidential Electors. David Woods, of Washington county, was elected Speaker. He received eighty-four votes, to thirty-three for James Emott, of Dutchess, who was the Federal candidate. After choosing Electors friendly to Monroe and Tompkins, the two houses adjourned to the 21st of January, 1817, at which time the regular winter session commenced. On the 28th of that month, Gov. Tompkins sent his last annual Message to the Legislature. In pursuance of the settled policy which he had adopted, he refrained from committing himself upon the Canal question. But, although he was so singularly cautious and prudent in what he said and did upon this subject, he had the boldness to recommend the entire abolition of slavery in the State, to take place on the 4th day of July, 1827. This humane recommendation of the Executive, and other active philanthropists in the State, among whom were Cadwallader D. Colden, Peter A. Jay, and William Jay, was adopted by the Legislature.

Most of the time of the Legislature at the winter session, was occupied in pressing the claims of rival candidates for the office of Governor, in the place of Mr. Tompkins, who had been elected Vice President, and was expected to resign early in the spring. The friends of Mr. Clinton had been actively at work during the summer and fall of 1816, and a large number of the Republican members were decidedly in

favor of his nomination as the candidate for Governor. Judge Spencer took the same ground, and in connection with Messrs. Hart and Ross, of the Senate, and Mr. Woods and Barstow, of the House, labored assiduously to effect that object. On the 13th of February, a new Council was elected, consisting of Walter Bowne, John Noyes, John I. Prendergast, and Henry Bloom, all of whom, except Mr. Bowne, were friends of Judge Spencer. This new engine was forthwith put in operation, and in the hands of Mr. Spencer it proved a powerful agent in strengthening the cause of Mr. Clinton. The Federal leaders expressed great anxiety for the nomination of that gentleman, and Judges Van Ness and Platt, Jacob R. Van Rensselaer and Elisha Williams, were actively engaged in his behalf, and caused it to be generally understood that the Federal party would not make a nomination in opposition to him.

Gov. Tompkins, Mr. Van Buren, Peter R. Livingston, Walter Bowne, and other Republicans opposed to Mr. Clinton, bore up bravely against such fearful odds. But it was useless for them to contend against the torrent of public opinion which was constantly rolling in from the Western part of the State. The people were determined on opening the communication between the lakes and the Hudson, which had mainly originated with Mr. Clinton, and it was utter madness to attempt a resistance to their will. Mr. Van Buren and his friends were at first inclined to the opinion, that Gov. Tompkins should continue to hold both the offices of Vice President and Governor, but the unpopularity of such a course was sufficient to



ensure its speedy abandonment, and the Governor resigned the latter office, a few days before the 4th of March. It was then suggested, that the Lieutenant Governor might claim to act as Governor, until the close of the regular term, in 1819: this idea was found to come in conflict with the Constitution of 1777, and was also discarded. The bill providing for the election to supply the vacancy, was passed by a strong vote. Mr. Van Buren and Mr. Livingston voted in its favor, but Mr. Bowne, and Mr. Cantine, who was the brother-in-law of Van Buren, voted against it. Thirty-two members of the House, all opponents of Mr. Clinton, also voted in the negative.

The only remaining hope, on the part of those who were anxious to defeat Mr. Clinton, was the nomination of some other candidate. At one time, it was supposed that a majority of the Republican members would vote for some other individual. In order to prevent such a result, the Clintonians proposed that a State Convention should be called, to consist of the Democratic members, and of delegates selected by conventions in those counties which were represented by Federal members. This plan was finally adopted, and the Convention assembled on the 25th day of March. Most of the delegates in attendance were friendly to Mr. Clinton. John Woodworth, Elisha Jenkins, John McCarthy, and Thomas Harnan, appeared from the county of Albany; Nathan Williams and Henry Huntington, from the county of Oneida; and Gideon Granger, the late Postmaster General, from the county of Ontario. The first candidate for the nomination, selected by Mr. Van Buren, and his

friends, was Judge Yates, who absolutely declined being a candidate; they then brought forward the name of Gen. Porter. On the ballot taken in the Convention, Dewitt Clinton received the votes of sixty members, and twenty-five delegates, and Peter B. Porter those of thirty-four members, and seven delegates. Lieut. Gov. Taylor was at the same time nominated for re-election.

The administration of the State Government, after the resignation of Gov. Tompkins, devolved on Judge Tayler, through whose instrumentality Dr. Charles D. Cooper was appointed Secretary of State, in the place of Mr. Tillotson, whom the Council removed, as it was understood, on account of his opposition to Mr. Clinton. The bill to provide for the construction of the Erie and Champlain Canals, became a law on the 15th of April. The vote on the passage of the bill in the Assembly, stood sixty-four to thirty-six. In the Senate, there were eighteen votes in the affirmative, to nine in the negative. Mr. Van Buren, and four of his friends in the Senate, voted for the bill, and its passage was in a great degree owing to his zealous efforts in its support. Two of the opponents of the measure in the Senate, Messrs. Noyes and Bloom, were friends of Judge Spencer, but the great majority of the members who voted against it, were opposed to Mr. Clinton. Thus was the first decisive step taken, on the part of this State, toward the completion of those great public works, which, whatever may be the merits or demerits of their originator, as a politician, will remain forever, as enduring monuments of the practical genius and foresight of Dewitt Clinton.

## CHAPTER IX.

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1817—Election of Dewitt Clinton as Governor of the State—Particulars of the Spring Election—Jonathan Dayton—Jabez D. Hammond—Roger Skinner—Henry Yates—Removal of the Tammany Men—Thanksgiving Day—Legislature of 1818—Ogden Edwards—Michael Ulshoeffer—Origin of the Bucktail party—Indifference of Gov. Clinton to the operations of his enemies—Opposition to the Governor in the Senate—Movements of Mr. Van Buren and his friends—The Governor embarrassed by the Council of Appointment—His coldness towards Mr. Van Buren and Col. Young—Attempt to remove the former from the office of Attorney General—John V. N. Yates appointed Secretary of State—Project of holding a State Convention to do away with the Council of Appointment, defeated—April Election—Gamaliel H. Barstow—The Federalists of '98—Their division into different classes—William L. Marcy—Anticipated division in the Democratic ranks—Refusal of the Clintonians to support the regular nomination for Speaker at the session of the Legislature in 1819—Dissensions between the different sections of the Republican party—The Bucktails take ground against Gov. Clinton—Republican Caucus to nominate a candidate for U. S. Senator, adjourned without transacting any business—Separation of the Clintonians and the Bucktails—Position of the Federalists—Situation of parties in relation to the public works—Successful attempts to excite prejudices against Gov. Clinton—Benjamin F. Butler—Appointment of Mr. Thompson as Secretary of the Navy—Judge Spencer appointed Chief Justice, and John Woodworth Judge of the Supreme Court—The Common School system improved—April Election—John Townsend—Charles E. Dudley—Gideon Granger—Legislative Session of 1820—John C. Spencer—Controversy in regard to the accounts of Mr. Tompkins—Re-election of Rufus King as U. S. Senator—The Missouri question—James Talmadge—Attempt to impeach Judge William W. Van Ness—Nomination of Daniel D. Tompkins and Benjamin Moers, as the Republican candidates for Governor and Lieut. Governor—Dewitt Clinton and Judge Tayler nominated by their friends—1820.

BUT little opposition was made to the election of Mr. Clinton. The Federalists, in accordance with their previous declarations, did not make any nomina-



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LITH. BY C. CURRIER, N.Y.

tion ; and in several counties where the Clintonians composed the majority of the Democratic party, they did not support candidates for the Assembly, in order that persons might be elected who were friendly to Mr. Clinton. Tickets were distributed by the Tammany party in New-York, throughout the State, with the name of Peter B. Porter printed upon them, as the candidate for Governor ; but the great majority of the Democratic party, and a large number of the Federalists, supported Clinton and Tayler. No excitement was manifested at the polls, and the vote was a very slight one. Some few of the friends of Mr. Porter gave him their votes, but no effort was made in his behalf. The ticket nominated by the Republican Convention was almost unanimously elected : Mr. Clinton receiving forty-three thousand three hundred and ten votes, and Mr. Porter one thousand four hundred and seventy-nine. Full one half of the electors in the State did not vote upon the Gubernatorial question. Jonathan Dayton and Stephen Barnum were elected to the Senate from the Southern District ; Jabez D. Hammond and John Lounsbury, from the Middle ; Roger Skinner, Samuel Young, and Henry Yates, from the Eastern ; and Isaac Wilson and Jediah Prendergast, from the Western District. All the Senators chosen were Republicans.

At a meeting of the Council of Appointment, held after the inauguration of Gov. Clinton, on the 27th day of August, Benjamin Ferris was appointed Clerk of the city and county of New-York, and John W. Wyman, Clerk of the Circuit, in the room of John L. Broome, and Robert Mc Comb. The only ground of

objection to the old incumbents appears to have been, the fact that they were active members of the Tammany party. An attempt was made to induce the Governor to consent to a general removal of those Republicans who had opposed his nomination; but he wisely refused to yield to the entreaties of his friends.

From the time of the landing of the Pilgrims on Plymouth rock, it had been customary for the civil authorities of the New-England States, to set apart a day, near the close of the year, for thanksgiving and prayer. Gov. Jay had attempted to introduce this honored and appropriate custom, into this State; but the religious prejudices of the people were aroused against it, and he felt himself reluctantly compelled to abandon it. In the fall of 1817, Gov. Clinton issued a proclamation, designating the 13th day of November for that purpose. No opposition worthy of notice was manifested to the observance of the day, in the manner recommended by the Governor; and the precedent, thus established, has continued in force down to the present time. The citizens of the State have not only concurred in the propriety of observing this annual fast, but it has been a general source of regret among them, that measures were not taken to establish a national thanksgiving. There could certainly be no nobler sight in the universe, than to behold a great and mighty people, bowing as one man, before the altars where their fathers have worshipped, and offering their united thanks for the preservation of their independence, the protection of their civil and religious privileges, and the rich bounties of God's goodness and love.

The Legislature commenced its annual session on the 27th day of January, 1818. David Woods was re-elected Speaker, without opposition. It soon became evident that a determination had been formed, on the part of Mr. Van Buren, Col. Young, Peter R. Livingston, Roger Skinner, Walter Bowne, and their friends, to prepare the way for an open war against the Governor. The delegation in the House from the city of New-York, among whom were Ogden Edwards, Michael Ulshoeffer, Peter Sharpe, Clarkson Croluis, Cadwallader D. Colden, Henry Meigs, and Isaac Pierson, were all Tammany Men, and, with the exception of Mr. Colden, bitterly opposed to Mr. Clinton. It was customary for the members of one of the orders of the Tammany Society, to wear the tail of a deer in their hats, on certain occasions; and, from this circumstance, the New-York delegation were called Bucktails, by the friends of the Governor, which term was afterwards applied to all the Anti-Clintonians in the State. Gen. Root, who was a member of the House this winter, from Delaware, and William C. Bouck, of Schoharie, united with the opponents of Mr. Clinton in the attempt to embarrass his administration.

The Governor appeared, through some singular fatuity, to regard all these efforts of his enemies with perfect indifference. A difficulty occurred between Mr. Van Buren and Col. Young, early in the session, which Mr. Hammond, one of Mr. Clinton's most active friends in the Senate, thought might be taken advantage of to separate Mr. Young from his old associates, and a suggestion was made to that effect

to the Governor. But the latter seemed to be determined on maintaining his independence, at all hazards. He could not be made to believe that there was any danger of detaching a majority of the Republican party from his support, and it was only when the unwelcome truth was forced upon him, that he learned to regret he had not adopted the counsel of those of his friends, who, like Mr. Hammond, were honestly and truly attached to him. This was, as we have before remarked, the great, the fatal mistake of Mr. Clinton. He would not, it is true, give his consent to a sweeping removal of his opponents from office, neither did he appear desirous of bestowing any very important places on his supporters in the Federal ranks ; but he would not stop to consider upon the means necessary to sustain him in his position, and to counteract the schemes which were constantly being formed for the purpose of destroying his influence and popularity. He regarded himself as the recognized head of the Republican party : its destinies and its fortunes were in his hands ; and his will was the supreme law, because it was the will of De-witt Clinton.

Of the thirty-two Senators in the Legislature of 1818, twenty-seven were Republicans, and five of them were Federalists. Thirteen of the Republican Senators, viz : Van Buren, Livingston, Skinner, Young, Cantine, Bowne, Barnum, Crosby, Ditmis, Knox, Dayton, Ogden, and Seymour, were decided Anti-Clintonians ; seven of them, viz : Hammond, Bates, Hart, Lounsbury, J. I. Prendergast, Jediah Prendergast, and Ross, were friendly to Mr. Clinton ;



and the others, also, seven in number, viz: Yates, Noyes, Swart, Wilson, Bicknell, Swift, and Mallory, were undecided in their course. The names of the Federal Senators were, Van Vechten, Tibbits, Allen, Hascal, and Frey. From the above classification, it will appear that the Republican Senators opposed to Mr. Clinton, possessed by far the greatest weight of talent; and they were eventually strengthened, by the addition to their number of Messrs. Jediah Prendergast, and Henry Yates, who was a brother of Judge Yates. Most of the Clintonian Senators were unexperienced in the politics of the State; Mr. Ross had been in the Legislature for several years, but did not exhibit much tact or ability. Mr. Bates and Mr. Hart, were both shrewd and enterprising men, and had it not been for an unfortunate jealousy existing between them, might have essentially aided the Governor. Mr. Hammond was decidedly the ablest Clintonian member of the Senate; he was a ready political writer, and a cautious and discreet politician, but not a fluent debater. The Federal Senators did not appear to be very anxious to take sides, either for or against Mr. Clinton: it would rather appear to have been their policy to refrain from committing themselves; and Abraham Van Vechten, especially, who was the leading man among them, seemed to take peculiar delight in witnessing and encouraging the divisions and dissensions in the Democratic party.

The first business of importance transacted after the meeting of the Legislature, was the choice of a Council of Appointment. Through the indefatigable efforts

of Mr. Van Buren, and others, a Council was finally selected, whose members were nominally Clintonians, but, in reality, either indifferent, or unfriendly to the Governor. The names of the Senators elected to this office were, Peter R. Livingston, Jabez D. Hammond, Henry Yates, and Henry Seymour. Mr. Yates did not seem inclined to take any active part in the differences which were gradually extending in the Democratic party ; but he was, to a great extent, under the influence of his brother, who had become actively enlisted with Mr. Van Buren, Col. Young, and their friends. He also entertained a great dislike to Judge Spencer, and was anxious to have his relative, John Van Ness Yates, restored to the office of Recorder of Albany, from which he had been removed, through the influence of the Judge. Most of the appointments made by the Council, were entirely controlled by Mr. Yates ; not that they were dictated by him in reality, but it was necessary to consult his caprices before attempting any thing different from what would be proposed by the Anti-Clintonian members, Messrs. Livingston and Seymour. Cadwallader D. Colden was appointed Mayor of the city of New-York, by this Council. Col. Paulding was the candidate of Messrs. Livingston and Seymour, and the Governor desired the appointment of Sylvanus Miller. Mr. Hammond, however, brought forward the name of Mr. Colden, and induced Mr. Yates to support him. The casting vote of Gov. Clinton was, of course, given against the favorite of the Tammany Men. A large number of the old personal friends of the Governor, were either restored, or appointed, to various important offices in

the State ; but neither he, or Mr. Hammond, thought it advisable to appoint many Federalists to office, and although the claims of several applicants were pressed with much earnestness, very few appointments of that character were made. An attempt was made to remove Mr. Van Buren from the office of Attorney General, but Mr. Hammond expressly declined giving his assent, upon the ground that that gentleman had, so far, sustained the regular nominations of the party, whether made in accordance with his wishes or otherwise, and, therefore, ought not to be proscribed. The views of Mr. Clinton, in relation to a change in this office, were never positively known, but it was generally inferred, from the distant manner that he preserved toward Mr. Van Buren and Col. Young, and the unfavorable remarks which he frequently made in public, that he would consent to the removal. The impracticability of Mr. Yates, retained Richard Riker in the office of Recorder of the city of New-York, when the Governor and Mr. Hammond were disposed to confer the appointment on Josiah O. Hoffman, recently an active Federalist, but at this time a warm friend of Gov. Clinton. Before the close of the winter session, Mr. Yates was gratified in one of his most important wishes, by the appointment of John V. N. Yates, as Secretary of State, in the place of Doct. Cooper, who was removed by the votes of Messrs. Livingston, Seymour, and Yates. Several of the most bitter opponents of the Governor, also, were selected for different offices ; as, for instance, it was agreed to appoint Erastus Root District Attorney of the county of Delaware, and John Savage was made

District Attorney of Washington county. The law providing for the appointment of this class of officers in each county of the State, was passed during the session of the Legislature this winter.

No business of unusual importance was transacted at the session of 1818. The public works, which were eloquently commented on in the Governor's speech, had not been so far completed as to require much additional legislation. In the Senate, a question arose as to whether Jediah Prendergast, or Isaac Wilson, was entitled to a seat for the long term. These gentlemen were both elected in the Western District, and one of them was chosen to supply a vacancy. No designation of the candidate to serve for the short term was required by law; and, in such cases, the person having the greatest number of votes, was entitled to serve the full term. Ninety-one votes were given in the District for Jedediah Prendergast, and ten for Jed. Prendergast. Forty-two electors made oath that they had voted for *Jedediah* Prendergast, but intended to vote for *Jediah* Prendergast. These votes would have given Mr. Prendergast a majority over Mr. Wilson, and he ought to have been declared elected for the full term. The subject was brought up in the Senate, and Col. Young made a labored argument in favor of assigning the seat for four years to Mr. Wilson. On taking the final vote, all the Anti-Clintonian Senators, including Mr. Yates, and with the exception of Mr. Bowne, voted to give the long term to Wilson, and Messrs. Bates, Bowne, Frey, Hammond, Hascal, Lounsbury, Noyes, Ross, Swart, Tibbits, and Van Vechten, voted against it. Previous to this

time, Mr. Prendergast had been a Clintonian, but he now became a decided opponent of the Governor.

A bill was brought forward in the Assembly, by Ogden Edwards, of New-York, authorizing a State Convention to be called, for the purpose of considering and amending that part of the Constitution relating to the appointment of officers. The object of the originators of this bill was, to do away with the Council of Appointment; and the Governor was urgently entreated, by Mr. Hammond, and others, to give his assent to it, and exert his influence in its favor; but he refused to concur in any project that came from Tammany Hall, and, consequently, the bill was defeated.

In anticipation of the subsequent separation of the two factions composing the Republican party, Mr. Van Buren and his friends managed very adroitly to secure the nomination of a majority of candidates in the Senatorial Districts, who already were, or soon would become, hostile to Mr. Clinton. The April election passed off quietly. The Republican ascendancy in the House, was fully maintained. The Senators elected this year were, Darius Crosby, in the Southern District; William Ross, and Moses Austin, in the Middle; George Rosecrantz, and Levi Adams, in the Eastern; and Perry G. Childs, Gamaliel H. Barstow, and David E. Evans, in the Western District. The Federalists interfered but little with the election. The more shrewd and sagacious men in their ranks, evidently foresaw that a crisis was approaching, by which they might profit, as a party, if they themselves could remain united; but they feared, and the sequel justified those fears, that the

high-mindedness, the Roman firmness, the *fierte* and chivalric feeling, of the Federalism of '98, could never again be aroused. It cannot be denied, that from the time of the first organization of the Federal party, down to and including the larger portion of Mr. Madison's administration, whatever may have been their errors, howsoever they may have been mistaken on questions of public policy, they exhibited traits of character worthy of commendation. They advocated many an unpopular measure, in the face of an opposition, which it required "a stern task of soul" to resist. They openly avowed doctrines that were at war with the rights and privileges of the people, and calculated to inflame their prejudices; but, as a general rule, they cherished too high-toned a sense of honor, to suffer them to conceal their want of sympathy with the multitude. They even dared to oppose the measures of a popular administration, when the war fever was at its height; yet they did it with a moral courage which few would care to imitate. But the nobility, the manliness, of Federalism, had become changed, amid the contests of the Burrrites, the Livingstons, the Clintonians, and the Bucktails; they had lost much of their original character, by their interference with the partizan struggles which had distracted and divided the Democratic party. A portion of their number, among whom were Abraham Van Vechten, and others of his stamp, had no thought of abandoning one jot or tittle of their creed; another portion, who followed the lead of William A. Duer, John A. King, and William Coleman, of the Evening Post, were inclined to favor the opposition to Mr.

Clinton ; and still another portion, headed by Judges Van Ness and Platt, and Thomas J. Oakley, with whom Gov. Clinton was already upon terms of confidential communication, were prepared to sustain him with the whole weight of their influence and their suffrages. This last mentioned class, had ever been hostile to Mr. Van Buren, and from the moment they became the intimate friends and counsellors of the Executive, he directed all his efforts to the reorganization of the Republican party.

An attempt had been made, in the winter of 1818, to remove William L. Marcy, the Recorder of the city of Troy, and several other office holders in the county of Rensselaer, who were zealous adherents of Mr. Van Buren ; but Mr. Hammond refused to give his consent, and the matter was temporarily put at rest. At the April election, Mr. Marcy and his friends refused to vote for the regular Republican candidates for the Assembly, who were Clintonians, and put in nomination and supported a separate ticket, by which means the county returned Federal members. The same course had been pursued by the friends of Gov. Clinton in other counties in the State ; and Gen. German, one of his most confidential advisers, had been elected by the Federalists and Clintonians, in opposition to the regular party nomination ; but this did not constitute any excuse for Mr. Marcy and his associates, in the estimation of the majority of the Council, and they were removed at the June session. The Governor himself, although it was notorious that he had always encouraged irregular nominations, exhibited more than ordinary interest in effecting these removals.

The final separation of the contending factions in the Democratic party, was a subject frequently discussed, during the summer and fall of 1818. Mr. Van Buren and his friends, had determined on its accomplishment, and they only waited for an opportunity which would afford a plausible reason for the separation, and at the same time place the Clintonians clearly in the wrong. A suitable occasion presented itself, at the opening of the session of the Legislature in 1819. In pursuance of a secret understanding, an unusual number of Bucktail members were in attendance at Albany, the day before the session. Mr. Van Buren, Col. Young, and others, had fixed on William Thompson, a member from the county of Seneca, as their candidate for the Speakership. He had formerly represented that county in the Assembly, and been thrown into collision with Judge Tayler and Elisha Williams; and, on that account, he had acquired an antipathy to Gov. Clinton. The Clintonians, generally, expected to support John Van Ness Yates, a member elect from Albany county, for the office of Speaker; but the Governor, and Judge Spencer, deemed it advisable to bring forward a man of more firmness and decision of character. They accordingly fixed upon Gen. German, one of the most bitter opponents of the war in 1812, who had actively engaged with Mr. Clinton, Mr. Van Cortland, and others, in the attempt to defeat Tompkins and Tayler in 1813, and, at this time, was entitled to a seat in the House only by virtue of the joint suffrages of Federalists and seceders from a regular party nomination. A candidate more objectionable to the Anti-Clintonians, and the wavering Re-



publican members, could not well have been selected. Mr. German himself, regarded the use of his name as exceedingly unwise, but he was persuaded to follow the advice of his friends. At the Republican caucus, on the evening of the 4th of January, there were seventy-five members present. On the ballot for Speaker, Mr. Thompson received forty-two votes, and Gen. German thirty-three. After the result was declared, the friends of Mr. German refused to vote for the unanimous nomination of Mr. Thompson; alledging, as a reason for thus disregarding the usages of the party, that some ten or fifteen of their friends had not arrived, and that an unfair arrangement had been made, by which all the Bucktails arrived in season for the caucus. It is evident that this was entirely an after thought; otherwise, the Clintonians would never have consented to go into the caucus at all. The truth of the matter probably is, that they were disappointed in the votes of some whom they counted upon as their truest men.

The regular session of the Legislature commenced on the 5th of January. On the ballot for Speaker, neither of the candidates had a majority of all the votes. Mr. Thompson was supported by the Bucktails, Gen. German, who was the highest on the list, by the Clintonians, and William A. Duer by the Federalists. After balloting four times, with nearly the same result, the House adjourned. On the 6th inst., another ballot was had, with the following result: for German, fifty-five; for Thompson, thirty-eight; and for Duer, twenty. There being no choice, a motion was made by Gen. Root, that Mr. Thompson be appointed

Speaker, which was lost, but forty-one members voting in the affirmative. A similar motion, providing for the appointment of Mr. Duer, received but thirty-one votes, and was also declared lost. A resolution was then offered, containing the name of Gen. German, which was adopted, by a vote of sixty-seven to forty-eight. Mr. Duer, and John A. King, also a Federal member from Queens county, voted against the last resolution; but a majority of the Federal members voted in the affirmative. The Bucktails opposed Gen. German, throughout; and Gen. Root, and a few others, supported the resolution for the appointment of Mr. Duer. The result of this contest estranged an immense number of Democrats in the country from Gov. Clinton; and Messrs. Yates, Childs, and Evans, of the Senate, immediately became decided in their opposition to him. It was reprehensible enough, in their estimation, to refuse to abide by the decision of a caucus; but to defeat its action, by the assistance of the Federalists, with a candidate who, to use his own language, wished "to regain the confidence of his old friends," indicated a state of things that might well excite their alarm and apprehension. Another circumstance that contributed to strengthen the prevailing feeling of disaffection, was the circulation of a report, originating with the opponents of the Governor, and wholly without foundation, that he was in favor of the re-election of Rufus King, as United States Senator. This report placed Mr. Clinton in a very embarrassing position. He could not admit its authenticity, without giving dissatisfaction to his friends; when he attempted to deny

it, he was met with the charge of hypocrisy ; and if he endeavored to confirm the denial, by speaking against Mr. King in public, that gentleman's friends forthwith became his most vindictive opponents.

The last caucus held by the two parties of Republicans together, was called for the purpose of nominating a candidate for United States Senator. A number of the Clintonian members of the Legislature, wished to keep the party united, and were determined to support any gentleman who should be nominated. Messrs. Hammond, Barstow, and Adams, of the Senate, were especially anxious on this subject ; but Gov. Clinton, Judge Spencer, and a majority of their most influential friends, were entirely indifferent. Mr. Van Buren, and Col. Young, were not present at the caucus, and it is pretty certain that they were satisfied the Clintonian candidate, John C. Spencer, would receive a majority of the votes, in case a ballot was had. As soon as the meeting was organized, several of the Anti-Clintonians proceeded to denounce the Governor, and to charge his friends with bad faith, in not supporting the caucus nomination for Speaker. This led to a violent personal altercation between Gen. German and Peter R. Livingston, which was terminated by the adjournment of the caucus, without transacting any business. On the day appointed for the election of a Senator in Congress, no nomination was made in the Assembly. Mr. Spencer received fifty-four votes, Col. Young forty-four, and Mr. King thirty-four. The relative strength of Mr. Spencer and Col. Young, on joint ballot, would have been sixty-four to fifty-

seven, if the Federalists had continued to adhere to Mr. King, as they probably would have done.

At the session of the Legislature in 1818, most of the Republican members opposed to the Governor, with the exception of Mr. Van Buren, Col. Young, and Roger Skinner, were unfriendly to his scheme of internal improvements; but, during the winter of 1819, a change of policy was made in this respect. Gen. Root, Mr. Sharpe, and a few others, who had been the most bitter in ridiculing the Governor's projects, held out stoutly in their opposition; but the great majority of the Bucktails, either from a desire to fall in with the prevailing sentiment in the western part of the State, or from a sincere conviction of its usefulness, became converts to the system which Mr. Clinton had advocated and defended, by so many able arguments in his annual speeches, to the two houses. Not content with aiding the various canal measures by their votes, they even went so far as to accuse Mr. Clinton's friends of hostility to the public works, because a portion of them voted against a general expenditure of money, until the practicability of the plan was conclusively shown, by the completion of certain sections which were already commenced. The circumstances attending this vote, were as follows: When the canal bill was before the Senate, Mr. Hammond moved to strike out so much thereof as authorized the Canal Commissioners to open a canal communication between the Seneca river and lake Erie, and between Utica and the Hudson river, and accompanied the motion with a speech, in which he stated that he was

decidedly in favor of constructing the whole work, but he believed it would be advisable to complete the Champlain canal, and the middle section of the Erie canal, in order to ensure a continuance of public confidence in the plan, before attempting to commence the other sections. The following was the vote on Mr. Hammond's motion :

*Ayes*—Messrs. Austin, Barnum, Barstow, Bowne, Dayton, Ditmus, Hammond, Livingston, Lounsbury, Noyes, Ross, Swart—twelve.

*Nays*—Messrs. Adams, Allen, Bates, Childs, Evans, Frey, Hart, Knox, Mallory, Rosekrantz, Seymour, Skinner, Van Buren, Wilson, Yates, Young—sixteen.

Separate motions were then made, by Messrs. Ross and Hammond, both devoted friends of Gov. Clinton, to strike out the clauses authorizing the commencement of the work on the eastern and western sections, both of which were lost. Most of the Bucktail Senators, and the Clintonians residing in the western part of the State, voted against the two motions, while a majority of Mr. Clinton's friends supported them. The result of these votes was paraded in the columns of the Albany Argus, which had now become the organ of the Anti-Clintonians, in consequence of a rivalry between that paper and the Albany Register, then under the control of Israel W. Clark, and confidently referred to, as the evidence of an intention to abandon the policy which had so long been advocated by the Governor's friends. A pamphlet was also written, by Benjamin F. Butler, then a young lawyer, connected in business with Mr. Van Buren, and rapidly acquiring professional distinction,

in which the same view of the subject was taken. This document, and the numbers of the Albany Argus having reference to the same matter, were circulated all over the State.

The choice of a Canal Commissioner, to supply the vacancy occasioned by the resignation of Joseph Ellcott, devolved upon the Legislature now in session. The resignation having been made during the recess, Gov. Clinton had temporarily appointed Mr. Hart, of the Senate. The Anti-Clintonians brought forward the name of Henry Seymour, who was elected on joint ballot, by one majority. The Federalists divided their votes between the two candidates, and a few of the Clintonians supported Mr. Seymour, in opposition to Mr. Hart. Mr. Buel announced the result of this vote, in the Argus, in the following terms: "A majority of the Canal Commissioners are now politically opposed to the Governor, and it will not be necessary for a person who wishes to obtain employment on the canal, as agent, contractor, or otherwise, to avow himself a Clintonian." These successive attacks upon the Governor, in relation to the canals, though in most respects exceedingly unjust and ungenerous, operated powerfully to destroy his popularity with the Democratic party. Mr. Oakley, at the head of the larger portion of the Federal party, was maintaining a dignified neutrality, but, at the same time, ready to unite with the Governor, as soon as a favorable opportunity offered. The minority of the Federalists were, in like manner, preparing to follow Mr. Duer and Mr. King into the Bucktail camp. Mr. Van Vechten, and his ultra Federal friends, were

mere lookers on, while these movements were in progress.

Chief Justice Thompson was made Secretary of the Navy this winter, and Judge Spencer was promoted to his place. The vacancy on the bench was filled by the appointment of John Woodworth. While this question was still under discussion, a project was started, of adding two more Judges to the Supreme Court, on account of the rapid accumulation of business, and the delays consequent thereupon; and of conferring the three appointments on Mr. Woodworth, who was a Clintonian, Samuel Jones, Jr., a Federalist, and Mr. Van Buren; but the opposition of the old Judges to this sub-division of their power and patronage, prevented the measure from being carried into effect.

On the 8th day of February, Mr. Root offered a resolution providing for the call of a Convention, "with unlimited powers, to revise, alter, or modify the Constitution." Mr. Bacon, a Clintonian member from Oneida county, supported the resolution. John Van Ness Yates, however, made a speech against it. The Federalists also opposed it, and prevented its adoption. A bill drawn up by Mr. Hawley, the Superintendent of Common Schools, providing for their re-organization, and establishing the system which is now in existence, was introduced into the Legislature, and became a law, at this session.

Previous to the adjournment of the Legislature, the Clintonian members adopted, and signed, an address, written by Mr. Hammond, in which the course of the Bucktails, in refusing to support Mr. Spencer

for the office of United States Senator, was commented on at length, and the motives and objects of Mr. Van Buren, and others, in opposing the Governor, were reviewed with great ability; while, singularly enough, the circumstances attending the election of Gen. German as Speaker, and the coldness and ill-temper manifested by Gov. Clinton towards Mr. Van Buren and Col. Young, from the commencement of his administration, were entirely overlooked. An address, drawn up by Mr. Marcy, and signed by the Bucktail members, was also published, in which the reasons of their opposition to Gov. Clinton were stated with great distinctness and force.

At the April election, the war between the Bucktails and Clintonians was warmer than ever. In the Southern Senatorial District, Peter R. Livingston and John Townsend, the Bucktail candidates, were elected, over James Tallmadge and Pierre Van Cortland, who were supported by the Clintonians. In the Middle District, a great majority of the Republicans were opposed to Mr. Clinton, and, therefore, the Clintonians and Federalists united in the nomination of Elisha Jenkins and Arunah Metcalf. This nomination would have succeeded, had it not been for the fact that Abraham Van Vechten and Solomon Southwick took the field as stump candidates; the former claiming the support of the ultra Federalists, and the latter that of the ultra Clintonians. The result was, the election of Charles E. Dudley and John T. Moore, the Bucktail candidates. Benjamin Moers, Duncan Mc Martin, and Thomas Frothingham, elected in the Eastern District; and Gideon Granger and Lyman Paine, in



the Western District, were Clintonians. A majority of the members elect to the Assembly, including the Clintonian Federalists, were friendly to the State administration.

The Federalists, in those counties where they were in a minority, supported the Clintonian candidates, at the spring election, but they were not yet completely identified with the friends of Mr. Clinton. The operations of the Council of Appointment, in the spring and summer of 1819, tended very strongly to produce this result. New Commissions of the Peace were issued to several counties, and the places held by Bucktails were promiscuously filled by the appointment of Clintonians and Federalists. Richard Riker was removed from the office of Recorder of the city of New-York, and Peter A. Jay, an honest and consistent, but undeviating Federalist, was appointed in his place. In the month of July, Mr. Van Buren was removed from the office which he held, and Thomas J. Oakley, the Federal leader in the Assembly, appointed Attorney General of the State.

A controversy arose this summer, between Mr. McIntyre, the Comptroller of the State, and the Vice President, Mr. Tompkins, in relation to the settlement of the accounts of the latter, under the law passed at the preceding session of the Legislature, which was continued with great bitterness, in connection with the party politics of the State, until after the election in 1820. Mr. Tompkins, while Governor of the State, had expended and disbursed several millions of dollars, for war purposes. Either through carelessness in making payments without obtaining the ne-

cessary vouchers, or in mingling the funds of the public with his own private money, it appeared upon the final adjustment of his accounts, that he had received about one hundred and twenty thousand dollars for which he could give no account; but in order to balance the deficiency, he claimed a set off of six hundred thousand dollars, for commissions. In the year 1818, the Legislature had appointed William A. Bayard, Cadwallader D. Colden, and Robert Bogardus, Commissioners to adjust the accounts, on principles of equity. Mr. Bogardus did not act on the commission. Messrs. Colden and Bayard, both of whom were politically opposed to the Vice President, made a report to the Legislature in 1819, in which they paid an eloquent tribute to the services of Mr. Tompkins, and recommended that a liberal allowance should be made to him for commissions. A bill was therefore passed, in accordance with the report of the Commissioners, directing the Comptroller to settle the accounts, and to allow the Vice President the market premium on the sum of one million of dollars, which he had borrowed on his own personal responsibility, and upon the pledge of United States stock and treasury notes. The premium on this amount, if allowed, would have shown a balance of one hundred and thirty thousand dollars in favor of Mr. Tompkins. The Comptroller became alarmed at this demand, and adopted a construction of the terms of the act, which was evidently foreign from the intention of the Legislature, because all the facts were before them, and disputed the allowance *in toto*, on the ground that the money had been borrowed on a pledge of stock and

treasury notes, and not strictly on the personal responsibility of Mr. Tompkins. This determination of the Comptroller put an end to the settlement of the accounts; and although he offered to submit the decision of the question to different law officers of the State, the Vice President declined taking that course, for the reason, that all, or a majority, of the persons selected as umpires, were his warmest political opponents. A protracted correspondence ensued between these two gentlemen, which was published and circulated through the State.

The Legislature convened in January, 1820, for the regular annual session. John C. Spencer was chosen Speaker. The vote on this question stood: for Spencer, sixty-four; for Peter Sharpe, fifty; and scattering, seven. The first business of importance that engaged the attention of the members, was the election of a United States Senator, in the place of Mr. King. An able pamphlet, written jointly by Mr. Van Buren and Mr. Marcy, had been published and distributed among the Republican members, a few weeks previous to the commencement of the session, in which the Federalists were divided into three classes, viz: the violent politicians, who were determined to rule or ruin; the drilled partizans, who thought the war impolitic, and therefore opposed Mr. Madison's administration; and the men who, notwithstanding their opposition to the Republican party, felt themselves bound by their obligations to the country, to support the war measures of the General Government. The authors of this document alledged, that Mr King belonged to the third and last class, as

was the case in point of fact, and therefore advised his re-election. This recommendation was strangely inconsistent with the charge formerly made against Gov. Clinton, by the Bucktails, that he was friendly to Mr. King, as if that were a heinous sin in him, which was a commendable virtue in others; but the grand secret at the foundation of this whole movement was, that Mr. King was opposed to the re-election of Mr. Clinton, as was stated in the pamphlet, and urged upon the consideration of the Republican members. This attempt to withdraw a portion of the Federalists from the support of Mr. Clinton, only partially succeeded. Mr. King was unanimously returned to the Senate, however, as the Federalists, under the lead of Mr. Oakley, did not seem to have sufficient spirit to desert their old candidate, and the Clintonians were powerless without their assistance. Gov. Clinton fell in with the popular current this winter, and recommended in his annual speech, that a State Convention should be called, with limited powers, to abolish the Council of Appointment, and consider other amendments that might be proposed. A bill was introduced into the Legislature, in conformity with this recommendation, but, as the Federalists were opposed to a Convention, and the Bucktails desired to have one called with unlimited powers, it failed of becoming a law.

A resolution passed both houses of the Legislature, unanimously, in the early part of the session, instructing the Senators, and requesting the Representatives from this State, to support Mr. James Tallmadge, in his objection to the admission of the territory of Mis-

souri into the Union as a State, on the ground that her constitution expressly tolerated slavery.

The Council of Appointment chosen this year, by the joint votes of the Clintonians and Federalists, consisted of John D. Ditmus, John Lounsbury, Levi Adams, and Ephraim Hart, all of whom, with the exception of Mr. Ditmus, were Clintonians. As most of the offices in the State were already filled by Clintonians, few changes were made by the new Council.

On the 28th day of January, Gen. Root offered a resolution, providing for an inquiry into the conduct of Judge William W. Van Ness, with a view to his impeachment. The charge preferred against the Judge, originally appeared in the New-York American, and was, in substance, that he had received the sum of five thousand dollars, for his assistance in procuring the charter of the Bank of America. From the testimony of Elisha Williams, who was a party to the transaction, it did not appear that there was any foundation for the charge, and it was suffered to fall to the ground. Judge Van Ness was a very sensitive man, and this attack upon his character affected his health to such a degree, that he never entirely recovered it.

On the 9th day of March, a select committee of the Senate, appointed to examine into the transactions between the Vice President and the Comptroller, as reported by the latter officer, made an able report, through their Chairman, Mr. Van Buren, recommending the passage of a bill allowing Mr. Tompkins a premium of twelve and a half per cent on one million and fifty thousand dollars, which would leave a

balance due him of nearly twelve thousand dollars. This bill was but feebly opposed in the Senate, and it passed by a majority of two to one. Mr. Van Buren occupied a portion of two days, in the delivery of one of the most eloquent and effective speeches that had been made in that body for several years. He was listened to with deep attention, and the eloquent terms in which he alluded to the services of the Vice President, produced a powerful impression. Mr. Granger, who had formerly been Postmaster General of the United States, and was a man of conceded ability, published a written argument in reply to Mr. Van Buren, but it was tame and spiritless, and failed of counteracting the effect of that gentleman's speech. The committee in the House, to whom the same subject had been referred, of which Jedediah Miller, of Schoharie, was Chairman, made their report on the 16th of March. This document presented the facts of the case in a clear and forcible light, and concluded with recommending the adoption of the following resolution :

*"Resolved*, as the sense of this house, that the conduct of the Comptroller, in regard to the auditing and settling the accounts of Daniel D. Tompkins, Esq., late Governor of this State, both previous to, and under the act of the 13th of April, 1819, has been that of a firm, faithful, and intelligent public officer, and meets the full and entire approbation of this house."

This resolution, and the bill from the Senate, led to an animated discussion, which continued for several days in succession. Able speeches, in support of

the views set forth in the report of the House committee, were made by Messrs. Thomas J. Oakley, John C. Spencer, Elisha Williams, James McKown, Charles H. Ruggles, George Tibbits, John Miller, and others. The most eloquent speakers in defense of the Vice President were, Messrs. Root, Sharpe, Romain, Ulshoeffer, John T. Irving, and Seymour. The Senate bill was amended in the House, by striking out the enacting clause, and inserting a provision requiring the Comptroller to institute a suit against Mr. Tompkins, if the balance alledged to be due to the State was not paid by the 1st day of August; with permission to the defendant therein, to set off his claim for premiums, under the act of 1819. In this shape the bill finally passed.

Both parties in the Legislature occupied a singular position in reference to the controversy between the Comptroller and the Vice President. It was conceded on all hands, that Mr. McIntyre was a faithful and correct public officer; and that Mr. Tompkins had rendered invaluable services to the State, during the progress of the war. No one charged the late Governor with any intentional waste, or appropriation to his own use, of the public money; but his friends were determined that a certain sum should be paid to him as a debt actually due, although the item upon which they fixed was one for which the General Government was, in fact, responsible; while the opposition intended that the amount should be bestowed on him as a gratuity. The difference between the two parties might have been easily reconciled, had not both been desirous of making political capital out of the question.

At the caucus of the Republican members of the Legislature, opposed to the re-election of Mr. Clinton, sixty-four gentlemen were present. On balloting for a candidate for Governor, Daniel D. Tompkins received fifty-two votes, and was duly nominated. Benjamin Mooers, of Plattsburgh, who had been elected to the Senate, from the Eastern District, as a Clintonian, but soon after became a zealous Anti-Clintonian, was nominated for Lieut. Governor.

The Republican friends of the Governor, who were in a minority, affected to disapprove of making nominations by Legislative caucuses, and therefore called a public meeting of the citizens of Albany, at which Dewitt Clinton, and John Tayler, were again put in nomination.



## CHAPTER X.

1820—Course of William A. Duer, and “the high-minded Federalists”—Re-election of Mr. Clinton and Mr. Tayler—The New-York Statesman—Appointment of Messrs. Leake and Cantine as State Printers—Agitation of the question of holding a Convention to revise the Constitution—Extra Session of the New-York Legislature—Interference of the officers of the Federal Government in the State Elections—Choice of Electors—Mr. Monroe and Mr. Tompkins re-elected as President and Vice President—Course of Mr. Van Buren, and his friends, on the Convention question—Discussion in the Legislature—Passage of the Convention bill, and its return by the Council of Revision with their objections—Vote of Judge Woodworth in the Council—Settlement of the accounts of Mr. Tompkins—Controversy between Gov. Clinton and the Senate—John W. Taylor elected Speaker of the House of Representatives—Legislative Session of 1821—‘Green Bag Message’ of the Governor—Discussion on the different Convention bills—Final passage of the act submitting the question to the people, and authorizing a Convention to be held—Mr. Van Buren elected to the United States Senate—Benjamin Knowler—Samuel A. Talcott—Solomon Van Rensselaer—April Election—Decision of the people in favor of a Convention—Election of Delegates—Ezekiel Bacon—John Duer—Samuel Nelson—Jacob Sutherland—William L. Stone—Proceedings of the Convention—Adoption of the Constitution, and adjournment of the Convention—Mr. Taylor defeated in the contest for Speaker of the House of Representatives—Legislative Session of 1822—Discussion in relation to the propriety of the custom, requiring the Governor to deliver a speech at the commencement of the session—New Apportionment of the Legislature—The Lottery system—Ratification of the Constitution by the people—Difficulty in regard to the Albany Post Office—Refusal of Mr. Clinton to be a candidate for re-election—Canvass for the nomination, and selection of Judge Yates—Solomon Southwick nominated in opposition, as a stump candidate—1822.

ONE of the strongest objections urged against Gov. Clinton, and pertinaciously adhered to by the Bucktails, and that portion of the Federal party who acted in concert with William A. Duer, and the sons of

Alexander Hamilton and Rufus King, was, that his confidential friends, and personal favorites, had lost all their independence of character, and exhibited a degrading subserviency to his wishes, calculated to excite no other feeling but that of disgust, among high-minded and honorable men. It was also said, that Mr. Clinton labored to establish a mere personal party, and encouraged the laudatory encomiums upon his public course, pronounced by the flatterers who surrounded him. On the 14th day of April, an address was issued to the people of the State, by Mr. Duer and his Federal friends, setting forth their reasons for opposing the re-election of Gov. Clinton, and avowing their determination to support Mr. Tompkins, and to unite with the Republican party. The names of the following gentlemen, who were known as "the high-minded Federalists," were signed to the address: Alanson Austin, H. B. Bender, Livingston Billings, Henry Brown, Levi Callendar, James Clapp, Glen Cuyler, Thomas J. Delancy, Joshua A. Dewitt, Isaac Dubois, John Duer, William A. Duer, Elisha Ely, Charles A. Foot, Ebenezer Griffin, James A. Hamilton, John C. Hamilton, A. B. Hasbrouck, Jonathan Hasbrouck, Josiah O. Hoffman, David Hudson, Charles King, John A. King, James Lynch, Morris S. Miller, Peter Jay Monroe, H. Montgomery, T. S. Morgan, John C. Morris, Thomas Mumford, W. W. Mumford, Garrit Post, Tracy Robinson, Zebulon R. Shepherd, Wm. P. Sherman, R. W. Stoddard, Elisha B. Strong, John Suydam, George F. Tallman, George W. Tibbits, H. Vanderlyn, Johnson Verplanck, Thomas G. Waterman, John L. Wendell, Melancthon Whee-

ler, Joshua Whitney, George D. Wickham, and Jeffrey Wisner. This list formed an array of talent, wealth, and standing in society, which would certainly have proved exceedingly formidable, had they been able to carry a very large number of the rank and file with them, in opposition to Mr. Clinton; but the great body of the Federalists attached themselves to the Clintonian Republicans, who constituted a small minority of the Democratic party.

The election was extremely close. The Bucktails, who now termed themselves 'the Republican party,' elected seventy of the members of Assembly, and increased their majority in the Senate. Mr. Clinton, however, was re-elected Governor, by one thousand four hundred and fifty-seven majority. This result was produced by the strong vote cast in his favor in the Eastern and Western Districts, both of which were deeply interested in the success of the canal policy, and by the efforts of the friends and patrons of the literary and scientific institutions in the State, with whom the Governor had always been a favorite. By far the larger proportion of the Federalists supported Mr. Clinton, while nearly all the old Republicans took a decided stand in favor of Mr. Tompkins. The Senators chosen this year, were Walter Bowne and John Lefferts, in the Southern District; William C. Bouck, Tilly Lynde, and John Miller, in the Middle; and Ephraim Hart, Oliver Forward, and Elijah Miller, in the Western District. Mr. Van Buren was not re-elected to the Senate.

Soon after the election, the name of the Albany Register was changed to "The New-York States-

man," and the paper was placed under the exclusive control of N. H. Carter, a young man of fine talents as a writer, who had recently removed from New Hampshire. On the 25th day of August, Jesse Buel sold his interest in the *Argus*, to Isaac Q. Leake and Moses I. Cantine, the brother-in-law of Mr. Van Buren. This last arrangement was made in pursuance of an understanding with the leading men in the Republican party, and Messrs. Cantine and Leake were subsequently appointed State Printers, by an act of the Legislature.

At a general meeting of the Republicans in the city of New-York, held at Tammany Hall, in the month of August, of which Stephen Allen was Chairman, and Adrian Hagerman, Secretary, a resolution was adopted in favor of calling a Convention, with unlimited powers, to amend the State Constitution. Heretofore, a difference of opinion had existed among the Republicans, in relation to the details of this measure, but the whole party this summer took the broad ground laid down in the Tammany resolution, as the only effectual way of destroying the influence and popularity of Gov. Clinton.

The Presidential election in 1820, was a mere matter of form. The Republicans had re-nominated Mr. Monroe and Mr. Tompkins, but the Federalists did not bring any candidates into the field, or make any serious opposition to the Democratic nomination. The New-York Legislature met on the 7th day of November, for the choice of Electors. Peter Sharpe, the Republican candidate, was elected Speaker, over John C. Spencer, by a vote of sixty-nine to fifty-two.

Derick L. Vanderheyden was chosen Clerk, in opposition to Aaron Clark, who occasionally belonged to both parties, by one majority. The Governor's speech was an able document, and recommended the passage of a law providing for the choice of Presidential Electors by the people, by general ticket, until the Constitution of the United States should be so amended as to require them to be chosen in single districts; and also, that the question of calling a Convention to amend the State Constitution, should be presented to the people for their decision. The Governor likewise alluded to the interference of the officers of the General Government in the State elections, in the following terms: "The apprehensions which some of our wisest statesmen entertained, at the formation of the Constitution, that the State Governments would constantly encroach on the powers of the National Government, appear not to have been realized. The practical tendency has been in the opposite direction. The power of the General Administration has increased with the extension of its patronage. And if the officers under its appointment shall see fit, as an organized and disciplined corps, to interfere in the State elections, I trust that there will be found a becoming disposition in the people to resist these alarming attempts upon the purity and independence of their local governments: for, whenever the pillars which support the edifice of the General Government, are undermined and prostrated, the whole fabric of National freedom and prosperity will be crushed in ruin. I have considered it my solemn duty to protest against these unwarrantable intrusions of extra-

neous influence, and I hope that the National Legislature will not be regardless of its duty on this occasion."

On the 8th of November, the Assembly elected Walter Bowne, John T. Moore, Roger Skinner, and David E. Evans, members of the Council of Appointment. All these gentlemen were politically opposed to Gov. Clinton. Some little objection was manifested to the selection of Mr. Skinner, on the ground that he had been appointed District Judge of the United States for the Northern District of New-York, and that the Senate had formerly decided that it was incompatible for a person to hold an office under the General Government, and at the same time have a seat in the New-York Legislature. This question, however, was not raised in a constitutional manner, and Mr. S. retained undisturbed possession of his place.

The Republican candidates for Presidential Electors were chosen on the 9th of November, by eighteen majority in the House, and eight in the Senate, over the Clintonian ticket. Monroe and Tompkins were elected almost without opposition—the former receiving two hundred and thirty-one of the two hundred and thirty-two Electoral votes, and the latter two hundred and eighteen.

It had been already determined by Mr. Van Buren, and his associate leaders of the Democratic party, that the Convention measure should be pressed through, while they had the power of controlling it; and, accordingly, Mr. Ulshoeffer, the chairman of the committee on that part of the Governor's speech relating

to the alteration of the Constitution, promptly reported a bill for calling a Convention, with unlimited powers, and providing for the submission of the amendments adopted by that body, to the electors of the State. The first clause of the bill was passed unanimously; but John C. Spencer, and Mr. Ford, opposed some of the details of the act; and, no doubt, it was the desire of the Clintonians, as a party, that the whole question should be postponed until the returns of the United States census, taken this year, should be before the Legislature. This position was assumed by the speakers on their side, in order, as they contended, that the people might be more fairly represented in the Convention; or, in other words, that the Clintonians might, perhaps, secure more delegates than they would be likely to do under the existing apportionment. An effort was also made to have the question submitted, in the first place, to the electors, whether or no a Convention should be called. This proposition, and all other amendments offered by the Clintonian members, were strenuously resisted by Gen. Root, Mr. Ulshoeffer, and others. Mr. U. had formerly favored the idea of a preliminary submission, but he changed his position on the subject during the recess. The Convention bill passed both houses of the Legislature on the 18th day of November, and on the 20th of the same month it was considered in the Council of Revision. The vote in that body was a tie, and the bill was rejected by the casting vote of the Governor. Chancellor Kent, and Chief Justice Spencer, voted against the bill, and Judges Yates and Woodworth, in its favor. Judge Van Ness, and Judge

Platt, were absent from the Council, in the discharge of their official duties, at the time the vote was taken.

The vote of Judge Woodworth, in the Council, was entirely unexpected by the Clintonians, as he had received his appointment from their hands, and was supposed to be perfectly reliable. At the same time, a suit was pending in the Court of Errors, upon a judgment rendered in the Supreme Court, against Mr. Woodworth, as the endorser of a promissory note, for several thousand dollars, which he alledged had been materially altered after its execution; and this circumstance gave rise to the report, that there was either a secret understanding between the Judge and the Republican majority in the Senate, who composed the Court of Errors, or that he was anxious to secure their good wishes in advance of the argument of the cause. The case was afterwards decided in favor of Mr. Woodworth, by the votes of seventeen Republican Senators, and one Clintonian; Chancellor Kent and nine Senators voting to affirm the decision of the Supreme Court; but there is no reasonable foundation for the supposition that the Judge was influenced by any other than the most honorable motives. The Clintonians, generally, professed to agree with him as to the propriety of calling a Convention, and his vote in the Council showed that he only disagreed with them in relation to the details of the bill.

The Convention bill was returned to the Assembly, on the 20th of November, with the objections of the Council. These were drawn up by Chancellor Kent, and mainly confined to two points: first, that the Legislature had not the right, under the Constitution



of 1777, to create a Convention with unlimited powers, even to propose amendments ; and second, that, if the authority were conceded, the bill should contain a clause requiring the amendments to be submitted separately, and not in gross. The return of the bill to the House, occasioned great excitement, but the whole subject was disposed of, on motion of Mr. Ulshoeffer, by laying the bill, and the objections of the Council, on the table. The Republican members were, probably, as well satisfied with the proceedings of the Council, so far as the interests of the party were concerned, as if they had approved of the bill. The feeling had become general, that a Convention should be called to revise the Constitution, and this opposition of the Chancellor and the Judges of the Supreme Court, whom it was intended to revolutionize out of office, only increased the prejudices already existing against them.

The vexed question of the accounts of Mr. Tompkins, was settled at the extra session, by the passage of a bill, introduced by Mr. Skinner, acknowledging the acceptance, on the part of the State, of a release executed by the Vice President of all his claims, and directing the Comptroller to file the same in his office, and balance his books. Gen. Root also made an ineffectual attempt, at this session, to procure the passage of a bill, declaring that slavery could not exist in this State, for the reason that it was inconsistent with the Declaration of Independence, and the Constitution and Laws of the State.

After the adjournment of the Legislature, a meeting of the Clintonian members of the Assembly was

held, at which John C. Spencer, Samuel M. Hopkins, Herman Gansevoort, Howland Fish, and Myron Holley, were appointed a committee to prepare an address to their constituents on the subject of the Convention bill, which had been vetoed by the Council. An address was drafted by Mr. Spencer, which set forth the position he and his friends had occupied, with ability and clearness, but, as the great majority of the people had become fully persuaded that the Clintonians were insincere in their course upon the Convention question, it failed of producing any very decided impression.

An exceedingly unfortunate collision occurred between Gov. Clinton and the Republican Senators, on the day of the adjournment. On the 15th of November, a resolution had passed the Senate, requesting the Governor to communicate the information in his possession relative to the interference of the General Government, or its officers, in the State elections, as mentioned in his speech at the commencement of the session; and on the 20th of the same month, he addressed the following communication "to the Senate:"

"GENTLEMEN—Fully appreciating the patriotic solicitude of the Senate to prevent all unwarrantable intrusions in the political affairs of the State, I have received their application for information on this subject, with great pleasure, and I shall, in due time, make them a communication, which, I trust, will be satisfactory in its nature, and salutary in its tendency.

"DEWITT CLINTON."

The cavalier tone of this communication, and the indirect insult probably intended to be conveyed, excited a bitter and vindictive feeling on the part of the

Republican members of the Senate, which was exhibited in the following preamble and resolutions, immediately introduced by Peter R. Livingston, with a speech remarkable for the harshness of its epithets, and the severity of its denunciations :

“ Whereas, His Excellency, the Governor, in his reply to the call of the Senate for information, relative to the General Government, or its officers, as an organized corps, interfering in our elections, has not furnished the Senate with any evidence in support of such charges. And whereas, it is highly improper that the Chief Magistrate of the State should criminate the administration of the General Government, without ample testimony in his possession ; by reason whereof, the good people of this State may have their confidence in the General Government greatly impaired : therefore,

“ *Resolved*, That the Senate repose the strictest confidence in the patriotism and integrity of the General Government, and will not change such opinion, or yield to any insinuations against such administration, but upon full and satisfactory testimony.”

Although the passage of the foregoing resolution was attempted to be justified, upon the ground that the Governor had made a charge against the National administration, without the necessary proof to sustain it, its tone was equally offensive and reprehensible with the previous communication of His Excellency ; and, as such, it certainly justified the following laconic reply which he addressed to the Senate, on the morning of the 21st instant :

“GENTLEMEN—I have this moment received a res-

olution of your honorable body, which, as well as the one to which it refers, I shall fully notice at the next meeting of the Legislature; and shall, therefore, at this late hour, pass it over with the expression of my sincere regret, that any branch of the Legislature should, in so unprecedented a manner, lose sight of the respect due to itself, and the courtesy due to a co-ordinate department of the Government.

“DEWITT CLINTON.”

The majority in the Senate were determined to maintain their dignity, against what they considered the original unjustifiable attack of the Governor on Mr. Monroe, and his subsequent arraignment of “a co-ordinate department of the Government,” and, of course, exhibited additional ill-temper and vindictiveness of feeling. On motion of Mr. Skinner, the message of the Governor was directed to be returned to him; seventeen Senators voting in the affirmative. No further proceedings were had upon this subject previous to the adjournment.

The annual session of Congress commenced in December, and the election of the Speaker afforded an opportunity to the Republican members from this State who were opposed to Mr. Clinton, to exhibit their animosity, toward one of his supporters. John W. Taylor, of Saratoga, was brought forward by the members from the non-slaveholding States, in opposition to two Southern candidates. He had long been an active member of the Democratic party; had opposed the charter of the Bank of America, while in the New-York Senate; and supported the war measures of Madison’s administration; but those members

from this State, who were politically hostile to Mr. Clinton; refused to vote for him, because he had sustained the Governor. He was elected, however, by a small majority, and proved to be a capable and efficient presiding officer.

The Legislature of the State re-assembled on the 9th day of January, 1821. The Governor sent a special message to the Assembly, in relation to the interference of the officers of the Federal Government in the State elections, accompanied with a great number of certificates, depositions, and communications. These documents were so voluminous, that they were sent to the House in a green bag; and the message was ever after known, as "the Green Bag Message." The evidence relied on by the Governor to sustain the charge he had previously made, was, to a great extent, of a loose and unsatisfactory character; and the only officers who were shown positively to have interfered in the preceding State election, were Mr. Decatur, the Naval Store-keeper at Brooklyn, and a few other United States officers, who had exerted themselves to defeat the Clintonian ticket in the county of Kings. The Governor also reminded the House of the resolution passed by the Legislature in 1790, declaring that it was improper for a Federal officer to hold a seat in the State Legislature. Among the papers accompanying the message, was a letter from Mr. Van Buren, addressed to Henry Meigs, a member of Congress from the city of New-York, and urging the immediate removal of a number of Clintonian Deputy Postmasters, and the appointment of his own friends to supply the vacancies.

The writer of the letter assured his correspondent that the desired changes were necessary, in order to "alarm" the Clintonians, and added: "If any thing is done, let it be done quickly." This letter has often been referred to by the opponents of Mr. Van Buren, for the purpose of showing his anxiety to proscribe the friends of Mr. Clinton. Coming from any person but a party leader, the spirit manifested in the letter ought assuredly to be condemned; but, taking into consideration the position of the writer, no censure could be bestowed on him, that would not apply with equal, if not greater force, to Dewitt Clinton and Ambrose Spencer, both of whom exhibited great alacrity, and considerable tact, in procuring the removal from office of those persons believed to be inimical to them, and the substitution of others more ready to carry out their views.

Soon after the organization of the Legislature, the committee appointed to examine the objections of the Council of Revision to the Convention bill, made a report, reflecting in severe terms upon the members of the Council, and impeaching the purity of their motives. Before any definite action was had on the report, John C. Spencer asked leave to bring in a bill, providing that the people should vote, at the annual election, for, or against, a State Convention; that, if a majority of the votes were given for a Convention, the Governor should issue a proclamation for a special election, in order to choose delegates to such Convention; that the representation from the different counties should be determined by the United States census of 1820; and that the amendments adopted

by the Convention should be separate and distinct, and severally submitted to the people, for their confirmation or rejection. Leave to introduce the bill was refused to Mr. Spencer, for the reason, as was alledged, that the previous bill ought to be first disposed of; and a violent and lengthy debate ensued upon the merits of the whole question, which was discussed in its entire length and breadth, for several successive days. The question was finally taken on the bill vetoed by the Council, and it was declared lost, not two-thirds voting in favor of its passage. A second bill, conforming substantially to the first, was then reported by the committee; and after being amended, on motion of Mr. Burt, so as to require the question, of Convention or no Convention, to be submitted to the people at the next annual election, it passed the House, by a vote of eighty-one to twenty-five. All the Clintonian members, and a majority of the opposition, voted for the bill; but Messrs. Ulshoeffer, Sharpe, Romaine, and all the leading Republicans, with the exception of Gen. Root, opposed its passage, although the motion of Mr. Burt was undoubtedly made with their knowledge and approbation. The bill subsequently passed the Senate, and became a law. It is said that the Council of Revision would have again objected to its passage, had not their friends in the Legislature so far committed themselves that they refused to concur in another veto.

Mr. Van Buren was elected to succeed Mr. Sanford in the United States Senate, at this session. He received fifty-eight votes in the caucus, to twenty-four of Mr. Sanford. The latter gentleman was supported

by the Clintonians in the two houses, though from no other motive except that of opposition to Mr. Van Buren. The vote in the Senate stood, seventeen for Van Buren, and eight for Sanford; and in the Assembly, sixty-nine for Van Buren, and fifty-two for Sanford. The election of Mr. Van Buren to this important position, opened before him a flattering prospect of political advancement. The pecuniary difficulties of Gov. Tompkins, his recent defeat, and the irregular habits which he had formed, all combined to diminish his influence, and to strengthen Mr. Van Buren, who now began to be regarded as the leader and organ of the Democratic party in New-York.

Benjamin Knowler, of Albany, was this winter appointed Treasurer of the State, in the place of Gerrit L. Dox. An additional Canal Commissioner was also created, and the office bestowed on William C. Bouck, a Republican Senator from Schoharie, by nearly the unanimous voice of the Legislature. But one vote was given in the Senate, against Mr. Bouck; that of Mr. Rosecrantz, of Herkimer county, who affirmed that he "never could vote for a Bucktail."

The Joint Committee, appointed by the two houses to examine into the improper interference in the State elections, of persons holding office under the General Government, made their report on the 15th of March. Many of the facts stated in the affidavits accompanying the Governor's message, were disputed under oath; and the committee, after animadverting, with undue severity, upon the conduct of the Governor, asserted that no extraneous influence on the State elections had ever been observed: they also condemned, and



repudiated the idea, that a seat in the Legislature was incompatible with holding an office under the General Government. Both these conclusions of the committee were disavowed by the people, who certainly could not stultify themselves so far, as to believe the first; and the second was disposed of in the Convention, by the adoption of an amendment re-affirming the principle of the resolution which passed the Legislature in 1790.

The Council of Appointment elected at the extra session in November, 1820, were not called together until the 12th day of January following, at which time eleven writs of supersedeas were issued to the Sheriffs of as many counties, in which the names of Bucktails were inserted. The operations of this Council were equally thorough and searching, with those formerly conducted under the auspices of Mr. Clinton and Judge Spencer. Mr. McIntyre was removed from the office of Comptroller, the duties of which he had discharged with commendable ability and integrity, and John Savage was appointed in his place. The office of Attorney General was also vacated, and supplied by the appointment of Samuel A. Talcott, a young man of fine legal attainments, and an eloquent advocate. He was, in addition, a protegee of Mr. Van Buren, who always manifested great interest in the success of young men, a large number of whom were among his most efficient supporters in the Republican party. Mr. Colden was removed from the Mayoralty of New-York, to make room for Stephen Allen; and Richard Riker was appointed Recorder, in the place of Peter A. Jay, removed. Besides

the foregoing, and numerous other changes made in the civil offices in the State, a number of persons holding military commissions were removed. Gen. Lamb, the Commissary General, was displaced, and Alexander M. Muir appointed to the office. Gen. Solomon Van Rensselaer, the Adjutant General of the State, and one of the most devoted and efficient officers during the campaigns on the Niagara frontier in the war of 1812, was likewise removed, and William L. Marcy selected to fill the vacancy. Before the final adjournment of the Legislature, Welcome Esleeck was appointed Superintendent of Common Schools, in the place of Gideon Hawley. This removal was wholly uncalled for, and did not prove to be popular with the Republicans in the Legislature, who soon after passed a law, uniting the two offices of Secretary of State and Superintendent, in consequence of which the discharge of the joint duties devolved on Mr. Yates.

The removal of Mr. McIntyre was followed by his nomination as the Clintonian candidate for the Senate, in the Middle District; his party friends in the county of Otsego, which was regularly entitled to the nomination, waiving their claim in his favor. Great efforts were made by the opposition to defeat him, but he and his colleague were both elected, by almost four hundred majority, notwithstanding the District had given a Republican majority of eight hundred at the previous election. The Clintonians elected fifty-two members of Assembly, and the Republicans seventy. The Senators chosen, were Abraham Gurnee, and Abel Huntington, in the Southern District; Archibald McIntyre, and

Abraham Hasbrouck, in the Middle ; David C. Judson, and Daniel Shepherd, in the Eastern ; and Samuel M. Hopkins, and Henry Seymour, in the Western District. All the Senators were Clintonians, except Mr. Seymour, and those elected in the Southern District. The majority in favor of the Convention, was seventy-four thousand four hundred and forty-five ; thus clearly indicating that the people were almost unanimously in favor of amending the Constitution.

The special election for the choice of delegates to the State Convention, was held on the third Tuesday of June, and in most of the counties made a party question. A large number of distinguished men belonging to the two principal political parties in the State, were elected to the Convention. On the Democratic side, were Daniel D. Tompkins, elected from the county of Richmond ; Martin Van Buren, chosen from the county of Otsego, although a resident of Columbia ; Samuel Young and John Cramer, from Saratoga ; Erastus Root, from Delaware ; Nathan Sanford, Ogden Edwards, Jacob Radcliff, William Paulding, Jr., Henry Wheaton, and Peter Sharpe, from New-York ; John Duer, from Orange ; Samuel Nelson, from Cortland ; Jacob Sutherland, from Schoharie ; and Rufus King, who had acted with the Democratic party since the fall of 1820, from the county of Queens. In addition to the foregoing, Peter R. Livingston was elected from the county of Dutchess, and Nathan Williams from the county of Oneida, upon tickets composed of candidates selected from both parties.

The most conspicuous opposition members of the Convention, were James Kent, Ambrose Spencer,

Stephen Van Rensselaer, and Abraham Van Vechten, elected from the county of Albany; Francis Sylvester, William W. Van Ness, Jacob R. Van Rensselaer, and Elisha Williams, from Columbia; Jonas Platt, and Ezekiel Bacon, from Oneida; Peter A. Jay, from Westchester; David Buel, Jr., from Rensselaer; and James Tallmadge, from Dutchess.\*

The Convention assembled at Albany, on the 28th day of August, 1821, and was called to order by Gen. Root, in a neat and appropriate speech. One hundred and ten delegates were present and answered to their names. On balloting for President, Daniel D. Tompkins received ninety-four votes, and was declared elected. The scattering votes were but sixteen in number. John F. Bacon, and Samuel L. Gardner, were appointed clerks; and William L. Stone, late editor of the New-York Commercial Advertiser, Nathaniel H. Carter, of the Albany Register, Moses I. Cantine, of the Argus, and one or two other gentlemen connected with the press, were admitted within the bar as reporters. On the 30th of August, the Convention proceeded to the business for which it had assembled, and on motion of Rufus King, a committee, consisting of thirteen members, was appointed to report in what manner the various questions in agitation should be brought up for consideration. On the same day, the committee reported, that each subject should be referred to a separate committee of seven members, whose duty it should be to examine and report what amendments or alterations in their opinion

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\* For a complete list of the members of the Convention of 1821, see Note A. at the end of the volume.

were required. This plan was adopted ; and, accordingly, so much of the Constitution as related to the Legislative department, was referred to Messrs. King, Kent, Paulding, Sage, Rose, Ten Eyck, and Lawrence ; so much as related to the Executive department, to Messrs. Sheldon, Wendover, Huntington, Yates, Stagg, Pitcher, and Hogeboom ; so much as related to the Judiciary department, to Messrs. Monro, N. Williams, J. Sutherland, Sylvester, Wheaton, Duer, and Wheeler ; so much as related to the Council of Revision, to Messrs. Tallmadge, Platt, Ward, Nelson, Brooks, Russell, and Van Horne ; so much as related to the power of appointment to office, to Messrs. Van Buren, Birdseye, Collins, Buel, Child, Edwards, and Rhinelander ; so much as related to the right of suffrage, and the qualification of officers, to Messrs. Sanford, S. Van Rensselaer, P. R. Livingston, Fairlie, Young, Cramer, and Ross ; so much as related to the rights and privileges of citizens of the State, to Messrs. Sharpe, Spencer, Hunter, J. Smith, Lefferts, McCall, and Richards ; and so much of the Constitution as was not referred to the previous committees, to Messrs. Radcliff, Bacon, R. Clarke, Pike, Schenck, and Briggs. Messrs. Root, Lansing, J. R. Van Rensselaer, Price, Beckwith, Roseburgh, and Burroughs, were also appointed a committee, upon the commencement of the Legislative year, and the term of every elective office ; and Messrs. Swift, Van Vechten, Barlow, Steele, Tuttle, E. Williams, and Verbryck, were appointed to consider, and report upon the mode of making future amendments to the Constitution.

The manner in which the foregoing committees were constituted, occasioned considerable feeling in the Convention, although it was scarcely to have been expected that the political opponents of the majority were to be taken into especial favor. Both the Clintonian and Republican parties, had made every effort in their power to obtain the control of that body, and the success of the latter, carried with it, according to the established law in partizan contests, the right of regulating its operations. All the chairmen of the ten committees were Republicans, except Mr. Tallmadge, and it was already understood that he was about to change his political associations. He had taken offense, at the appointment of Mr. Oakley as Attorney General, when he himself was a candidate for the office, and from that time he had secretly opposed Mr. Clinton, and during the sitting of the Convention, he became openly identified with the Republican party.

The committee in relation to the Council of Revision, made a verbal report on the 3rd day of September, in favor of abolishing the Council, and vesting the veto power in the Governor of the State. All bills passed by the two houses were to be sent to that officer, and, if approved by him, were to become laws ; but, if he disapproved of any bill, the same was to be returned to the house in which it originated, with his objections, and if two thirds of the members of both houses afterwards voted in favor of its passage, it should then become a law. On taking up the subject for discussion, Gov. Tompkins proposed, as an amendment, that a Council should be associated with the Governor, to consist of persons other than the judicial

officers of the State ; but this proposition was supported by only a few members of the Convention. Mr. Livingston also attempted to amend the plan reported by the committee, so that if a majority of all the members elected to both houses voted for a bill returned by the Governor, it should become a law. Judge Platt made an able reply to the speech of Mr. Livingston, who earnestly and eloquently defended his proposition, and on taking the question, it was rejected by a vote of ninety-five to twenty-six. Mr. Dodge, of Montgomery, afterwards made an ineffectual attempt to amend the report to the same effect ; when the discussion was closed by the adoption of the original plan as reported, by a strong vote.

The committee on the Executive department, through their chairman, Mr. Sheldon, reported in favor of reducing the official term of the Governor to two years. The discussion on this question commenced on the 13th of September, and was principally confined to the length of the term. Mr. Sutherland made an able speech in support of the old term of three years, and was sustained in his views by Chancellor Kent, Chief Justice Spencer, Judges Van Ness and Platt, Mr. Jay, and other ultra Federalists. The ultra Democrats, on the other hand, were for a term of one year only ; and their opinions were advocated and defended, by Gen. Root, P. R. Livingston, Mr. Hogeboom, and Mr. Briggs. The proposition of Mr. Sutherland was lost by a vote of eighty-nine to thirty. Mr. Van Buren and his more immediate friends, were in favor of choosing the Governor biennially ; and that gentleman himself, made a can-

did and convincing argument, in defense of the two years' term, as a medium ground between a long term, which was calculated to weaken the responsibility of the Executive and arouse the jealousies of the people, and a short term, which did not afford sufficient time to acquire an insight into the diversified wants and interests of so large and populous a State. The vote on the recommendation of the committee stood, sixty-one to fifty-nine; the Federalists voting with the moderate Democrats for the two years' term.

Amendments were also adopted by the Convention, in relation to the Legislative department, providing for the division of the State into eight Senatorial Districts, each District being entitled to elect four Senators; prohibiting a member of the Legislature from receiving any civil office from the appointing power in the State, during the term for which he should be elected; and declaring, that no person being a member of Congress, or holding any judicial or military office under the United States, should hold a seat in the Legislature. It was, in like manner, provided, that all persons holding office during good behavior, might be removed by a joint resolution of the two houses of the Legislature, to be concurred in by two-thirds of the members of Assembly, and a majority of the Senate; and that the proceeds of the public lands, thereafter to be sold, and the existing Common School fund, should forever remain a perpetual fund for the support of Common Schools in the State.

Mr. Sanford, from the committee upon the right



of suffrage, reported that every male *white* citizen of the age of twenty-one years, who had resided six months in the State; who had, within one year, paid taxes, or been assessed and actually worked, or commuted for work, on the highways; or had been enrolled and served in the militia; should be entitled to vote for all officers of the Government elected by the people. The effect of this amendment was, to abolish the property qualification of voters; and the grave importance of the question, extending as it did to the very foundation of the rights and privileges of the great body of the people, and intimately connected with the vital principle of a Democratic form of government, elicited a warm and protracted discussion. The first attempt at amending the proposition of the committee, was made by Mr. Jay, in behalf of the colored population, who moved to strike out the word "*white*," and accompanied the motion with an eloquent speech in its support. Gen. Root and Col. Young opposed the motion; the former, on the ground that the blacks were not liable to do military duty, and the latter, for the reason that their moral and social condition, whether wrongfully or rightfully he did not think important, had become so degraded as to render them unsafe depositaries of the right of suffrage. The debate was continued by Mr. Van Vechten and Mr. Clarke, of Delaware county, in favor of the motion, and Mr. Spencer in opposition. On taking the question, sixty-three voted in the affirmative, and fifty-nine in the negative. Mr. Van Buren voted for the motion, and Gov. Tompkins, who did not vote at all on the question, was understood to concur with

him in opinion. A select committee of thirteen, however, was soon after appointed, to whom the whole subject of the elective franchise was referred. Col. Young was the chairman of this committee, and reported a proviso in the first section, excluding all colored men from voting who were not freeholders to the value of two hundred and fifty dollars. Judge Platt made a spirited and able speech in favor of striking out the proviso, as being utterly inconsistent with the doctrines in regard to universal suffrage, for which Col. Young had contended so strenuously. Mr. Van Buren supported the proviso, because it held out desirable inducements to industry in the blacks: he also stated that he would not draw a revenue from them, and yet deny them the right of suffrage; and that, therefore, they were to be exempted from taxation until they had qualified themselves to vote. Judge Platt's motion to strike out did not prevail. The vote stood, thirty-three to seventy-one. The ultra members of the two parties in the Convention occupied a singular position in relation to the suffrage question. While Chancellor Kent, Judge Platt, and Messrs. Van Rensselaer, Van Vechten, and Jay, were desirous of retaining the freehold qualification in respect to white citizens, they made great efforts to oppose the extension of the same principle to the blacks; and, on the other side, while Col. Young, Gen. Root, Mr. Livingston, and others, urgently pressed the repeal of the property qualification, they contended with as much earnestness against extending the elective franchise to the colored citizen.

Judge Spencer offered an amendment to the first

section reported by the committee on the right of suffrage, specifying the qualification of voters, which provided, that such qualifications should apply to all elections other than for Senators; and that in elections for Senators, every free male citizen of the age of twenty-one years, being an inhabitant of the State one year next preceding the election, and, at the time of offering himself as an elector, having an interest in law or equity, in his own or in his wife's right, in any lands or tenements in this State, of the value of two hundred and fifty dollars, over and above all debts charged thereon, should be entitled to vote for Senators in the town or ward in which he resided. By this amendment, the great question of extending the right of suffrage, as antagonistic to the property or free-hold qualification, was distinctly presented. The ablest members of the Convention made their most brilliant efforts in the discussion of this proposition. Gov. Tompkins, Judge Radcliff, Mr. Van Buren, Gen. Root, Col. Young, and Messrs. Livingston, Cramer, Buel, and Ross, opposed Judge Spencer's amendment, with all the ability and eloquence they could command; and it was sustained with equal talent and address, by the mover himself, Chancellor Kent, Judge Van Ness, and Messrs. Van Vechten and E. Williams. The amendment of Judge Spencer was lost. It received but nineteen votes to one hundred in opposition.

Gen. Root, Col. Young, Gov. Tompkins, Judge Radcliff, and others, were in favor of universal suffrage, and made several efforts to incorporate this principle into the Constitution. In this they were opposed, by Messrs. Van Buren, R. King, Sutherland,

Duer, Nelson, and N. Williams, who were of the opinion, that an elector ought to be either a freeholder or a householder. The plan ultimately adopted by the Convention was, a compromise between these two parties.

The committee on the elective franchise also reported a section, authorizing the Legislature to pass laws by which a register of all citizens entitled to the right of suffrage, in every town and ward, should be made at least twenty days before any election; and providing that no person should vote at any election who was not duly registered. Gen. Root resisted the adoption of this section with his usual vehemence, and insisted that "such a muster roll of voters would be impracticable, and lead to mischievous consequences, by depriving many legal voters of the right of suffrage, in consequence of not having their names properly inserted on the muster list." Col. Young and Mr. Van Vechten spoke in favor of retaining the section; but it was stricken out by a vote of sixty-six to forty-eight.

Mr. Monro, from the Judiciary Committee, reported an amendment to the Constitution, providing: "That the Court of Chancery should consist of a Chancellor and Vice Chancellor, and that the Legislature should be authorized to provide for the appointment of a second Vice Chancellor, if, in their judgment, the public exigency demanded the measure; that appeals should lie from the Vice Chancellor to the Chancellor; that there should be a Superior Court of Common Pleas, possessing concurrent jurisdiction," with certain minor exceptions, "with the Supreme

Court ; and that, from this Court writs of error might be brought directly to the Court for the Correction of Errors ; that the Judges of these courts should try all the issues joined in their respective courts, and hold their offices during good behavior, or until they were sixty-five years of age." No change was made by the committee, who were unanimous in opinion, with the exception of Mr. Wheeler, in the Supreme Court, but they recommended, "that the Chancellor, Vice Chancellor, and Judges of the Supreme and Superior Courts, should, together with the Senate, constitute the Court for the Correction of Errors ; that they should not be eligible to any elective office until two years after they should cease to be Judges ; and that the probate and registering of wills should be confided to the Courts of Common Pleas." This plan for reforming the Judiciary system of the State, was prepared by William A. Duer.

The discussion of the Judiciary question commenced on the 22d day of October. After the opening speech of Mr. Monro, in support of the plan reported by the committee, Gen. Root offered a substitute, vesting the judicial power of the State in a Court for the Trial of Impeachments and the Correction of Errors, to consist of the President of the Senate, and the Senators ; in a Supreme Court, to consist of a Chief Justice, and not more than four, nor less than two, Associate Justices ; in Circuit Courts and Courts of Common Pleas, and in Justices of the Peace, and in such other Courts, subordinate to the Supreme Court, as the Legislature might from time to time direct ; and providing that the Court of Chancery, as

then organized, should continue to exist until otherwise ordered by the Legislature. This substitute was intended to produce an entire revolution in the whole judiciary system. Gov. Tompkins, and Messrs. Van Buren, Nelson, Paulding, Wheaton, King, and Sutherland, of the Democratic members, were opposed to overturning the Court of Chancery, and the Supreme Court. The decisions of these courts, under the administration of Chancellor Kent and Judge Spencer, were deservedly held in high esteem throughout the whole Union; and to the more prudent and cautious delegates in the Convention, the entire change, contemplated by Gen Root's plan, seemed to be altogether too revolutionary and too hazardous. Chancellor Kent, and Messrs. Jay and Van Vechten, preferred, of course, that the existing organization of the two courts, should, in the main, be preserved. Gen. Root's substitute was supported by Col. Young and Judge Radcliff, but was rejected—seventy-three to thirty-six. The question was then taken on the first section of the report of the Committee, which was also rejected—seventy-nine to thirty-three. Gov. Tompkins, Chancellor Kent, Mr. Van Buren, Mr. Van Vechten, and those members entertaining similar views with them, voted in favor of the report. The Judges of the Supreme Court did not vote upon the question; and on this, as on all occasions during the discussion upon the various plans for re-organizing the judiciary system, they manifested but little interest in preserving the court of which they were members, and against which the most violent prejudices, and the most bitter personal animosities, had been arrayed.

The interference of the judicial officers of the State in political questions, had long been a serious cause of offense, in the estimation of a large portion of the people, and Gen. Root and Col. Young but acted in accordance with the prevalent sentiment among them, when they contended for a radical reform in the existing order of things ; and, either from choice or necessity, Judge Spencer and his colleagues thought proper to maintain a dignified reserve upon all questions affecting their official stations. It is highly probable that they were encouraged in preserving this indifference, by the hope that so many conflicting plans and propositions would be brought before the Convention, that it would be found impossible to unite on any new system. But a majority of the members had come there for the express purpose of overturning and remodelling the Supreme Court ; and after a protracted debate, and the presentation and rejection of several different propositions, the following plan, presented by Mr. Carpenter, of Tioga county, was adopted, sixty-two to fifty-three :

“1. The Supreme Court shall consist of a Chief Justice, and two Justices.

“2. The State shall be divided, by law, into a convenient number of districts, not less than four, nor exceeding eight, subject to alteration by the Legislature, from time to time, as the public good may require, for each of which a District Judge shall be appointed, in the same manner, and hold his office by the same tenure, as the Justices of the Supreme Court ; who shall possess the powers of a Justice of the Supreme Court at Chambers, and at the trial of

issues joined in the Supreme Court, and preside in Courts of Oyer and Terminer and Jail Delivery; and such equity powers may be vested in the said District Judges, or in the Courts of Common Pleas, or in such other subordinate courts as the Legislature may by law direct, subject to the appellate jurisdiction of the Chancellor."

Previous to the adoption of Mr. Carpenter's proposition, Mr. Wheaton offered an amendment, in effect retaining the Judges of the Supreme Court in office, which was opposed by Mr. Duer and others, and lost, sixty-six to thirty-nine. Messrs. N. Sanford, Dodge, Sharpe, Yates, and Van Buren, supported Mr. Wheaton's amendment, and the latter gentleman, in one of his speeches made with reference to this question, avowed it as his opinion, that there were no public reasons for the removal of the Judges. He also added, that "if personal feelings could or ought to influence" the members of the Convention "against the individual" (Judge Van Ness) "who would probably be most affected by the adoption of the amendment, he supposed that he himself, above all others, would be excused for indulging them. He could, with truth, say, that he had, through his whole life, been assailed from that quarter, with hostility, political, professional, and personal—hostility which had been the most keen, active, and unyielding;" but he should not "indulge his individual resentment in the prostration of his private and political adversary;" he should despise himself if he could be capable of such conduct; and he hoped that that sentiment was not confined to himself alone, and that the Convention would



not ruin its character and credit, by proceeding to such extremities."

The report made by Mr. Van Buren, from the committee in relation to the power of appointment to office, provided : that the Council of Appointment should be abolished ; that all militia officers, with the exception of Major Generals, and the Adjutant General, should be elected by persons subject to perform military duty ; that the principal State officers, such as the Comptroller, Secretary of State, Attorney General, Treasurer, &c., should be appointed by the two houses of the Legislature ; that the Governor should nominate, and by the consent of the Senate appoint, all judicial officers, (except Justices of the Peace, who were to be chosen by the people,) and Sheriffs of counties ; that Clerks of courts should be appointed by the respective courts of which they were officers ; and that no judicial officer should be removed, except by the majority of the Senate, upon the recommendation of the Governor, setting forth the cause or causes of removal. In order to convey an idea of the prodigious extent of the patronage enjoyed by the Governor and Council at this time, the committee stated that there were eight thousand two hundred and eighty-seven military, and six thousand six hundred and sixty-three civil officers, who received their appointments from the Council. On taking up the subject in the Convention, a resolution was unanimously passed, declaring that the Council of Appointment ought to be abolished.

Four different propositions for the appointment of officers, with various modifications, were discussed in

the Convention, viz: The creation of a new Council of Appointment, to be elected by the people; to vest the power of appointment in the Governor; in the Legislature solely; or in the Governor, by and with the advice and consent of the Senate. Mr. Tallmadge opposed giving any of this power whatsoever, to either or both branches of the Legislature. Mr. Russell, of Erie, advocated a State Council of Appointment, consisting of the Governor and six persons, to be elected by the people at each Gubernatorial election. Col. Young was at first inclined to support Mr. Russell's plan, but it was eventually rejected, only nine members voting in its favor; Col. Young himself voting against it. Judge Platt proposed that nine persons should be elected in each county, to serve for three years, and to be classed so that three of the number should be chosen annually, who were to be clothed with the power of appointing the County Judges, with the exception of the First Judge, and Sheriffs, Coroners, Commissioners of Deeds, and other subordinate officers. Mr. Edwards opposed every plan intended to perpetuate the central power at the Capitol. He portrayed in eloquent terms the formidable evils that had grown out of it, and forewarned his friends against the mischief which would inevitably result from its continuance. But a majority of the members of the Convention of 1821, were not yet prepared to make that radical and sweeping change which was necessary, in order to bring the public servant within the reach of his masters—the sovereign people; and thus give to the latter the exercise of that power which, in a Democratic government, is pecu-

liarily their own, and should never be wrested from them.

After the Convention had decided, in effect, to adopt the general features of the plan recommended by the Committee, Mr. Van Buren brought forward a proposition for the appointment of Justices of the Peace by the Governor, who were to be selected by him from two separate lists, each equal to the number to be appointed; one of which was to be recommended by the Board of Supervisors, and the other by the Court of Common Pleas, in each county. This scheme was advocated by the mover, and by Gov. Tompkins, Gen. Root, and Col. Young, as a means of strengthening the dominant party in the State; while Messrs. Spencer, Van Ness, J. R. Van Rensselaer, and other Clintonians, opposed it, rather for the purpose of weakening the power of their political opponents, than for the importance of the principle involved. Rufus King, however, and a large number of active members of both parties in the Convention, strenuously resisted Mr. Van Buren's proposition, which was in the first instance lost, by a vote of fifty-six to fifty-nine, but afterwards renewed, and made a part of the amended Constitution.

Gen. Root offered an amendment, providing for the election of Sheriffs and County Clerks by the people. Col. Young earnestly supported this amendment, but it encountered the active and zealous opposition of Chancellor Kent, and Messrs. Jay, P. R. Livingston, Platt, J. R. Van Rensselaer, Van Vechten, Van Buren, Wheaton, N. Williams, and Nelson. Notwithstanding the efforts made to defeat it, it was sustained in

the Convention, by seventy-one to thirty-six. The following members voted against the proposition: Messrs. Beckwith, Birdseye, Breese, Brinkerhoff, Buel, Child, Eastwood, Fairlie, Hallock, Hogeboom, Howe, Jay, Jones, Kent, King, Lansing, P. R. Livingston, Monroe, Nelson, Paulding, Platt, Porter, Reeve, Rockwell, Ross, Russell, Seaman, Ten Eyck, Van Buren, J. R. Van Rensselaer, Van Vechten, A. Webster, Wenderover, Wheaton, N. Williams, Woods, and Yates.

An article was also inserted in the amended Constitution, providing that where an amendment should be proposed in any succeeding Legislature, and receive a majority of the votes of both houses, it should be referred to the Legislature next to be chosen, and if a majority of two-thirds voted in its favor, it might then be presented to the electors of the State for their approval or rejection.

When the ayes and noes were called on the question, whether the Constitution as amended should be adopted by the Convention, Mr. Bacon made a few eloquent remarks, expressive of his views in relation to the importance of the vote he was called upon to give, and stated, that, although he had opposed several amendments which had received the approbation of the majority, he felt bound, in justice to himself, and as a matter of duty to his constituents, inasmuch as provision had been made for the future amendment of the Constitution, to vote in favor of its adoption. But eight members of the Convention voted against the amended Constitution, viz: Messrs. Jay, Jones, Rhineland, Sanders, Sylvester, Van Horne, Van Ness, and Van Vechten. In addition to these gentle-

men, Messrs. Breese, R. Clarke, Day, Fish, Hees, Humphrey, Kent, Platt, Price, Spencer, D. Sutherland, J. R. Van Rensselaer, S. Van Rensselaer, Webster, and E. Williams, did not affix their names to the Constitution. Mr. Jansen, of Ulster, died during the sitting of the Convention.

An address to the people of the State, recommending the ratification of the Constitution, was drawn up by Gen. Root, and adopted by the Convention on the 10th day of November, and ordered to be signed by its officers. The thanks of the members were then unanimously voted to the President, who returned an appropriate reply; when the Convention adjourned without day. This was the last time Gov. Tompkins interfered in the politics of the State. He continued to discharge the duties of Vice President, but his increasing pecuniary embarrassments, and his indulgence in the use of stimulating drinks, soon prostrated his energies, and undermined his health.

At the session of Congress commencing in December, 1821, Mr. Taylor, of this State, was again a candidate for Speaker. Party lines, at that time, were not drawn very strictly in the nation, and Federalists, Clintonians, and Bucktails, all professed to support the administration of Mr. Monroe. His official acts, like his abilities, were rather of the negative than of the positive kind, and, although he possessed a sound and discriminating mind, it does not appear that he recommended any measure, or undertook any project, that could give serious cause of offense to any one. The controversy, therefore, in relation to the Speakership, was mainly sectional in its character.

The members from the Eastern, Middle, and a portion of the Western States, generally preferred Mr. Taylor. The friends of Mr. Van Buren, who were elected by the Anti-Clintonians, formed an exception to this rule, and determined on preventing the election of Mr. Taylor. The Southern members finally united on Philip P. Barbour, of Virginia, and, with the assistance of the New-York Bucktails, he was elected by four majority over all the other candidates. The only excuse offered by the members from this State who opposed Mr. Taylor, was, that he was a friend of Mr. Clinton, and they could not sustain him for that reason.

The State Legislature assembled at Albany, on the 2d day of January, 1822. At the caucus of the Democratic members, Samuel B. Romaine, of New-York, was nominated as their candidate for Speaker; and on the ensuing day he was duly elected. Mr. Romaine received thirty-eight votes in the caucus, and James Burt, of Orange county, twenty-eight. Gov. Clinton's speech, like most of his productions, was eloquent, and highly finished, but somewhat too lengthy. He alluded to the amendment of the Constitution, but expressed no opinion in relation to the acts of the Convention, as they were about to be referred to the people for their decision. He also recommended the encouragement of domestic manufactures, and the alteration of the criminal code of the State, and congratulated the Legislature on the prospect of the speedy completion of the Erie and Champlain canals. The speech concluded with the expression of the wish, that the members of the two houses would

co-operate with the Executive "in cherishing a spirit of conciliation and forbearance, and in cultivating that respect" which they owed to each other and to themselves. The courteous tone of the Governor in his address, was by no means reciprocated in the House. Mr. Ulshoeffer, of New-York, immediately moved the appointment of a committee to consider the propriety of answering the Governor's speech, which was carried. The committee afterwards made a report, animadverting, in terms of unusual and unnecessary severity, upon the conduct of the Governor, and pronouncing the practice of delivering a speech, instead of sending a message to the Legislature, "a remnant of royalty" which ought not to be tolerated. The report concluded by recommending the adoption of a resolution, declaring that the custom of delivering a speech, and returning an answer, ought to be abolished. Mr. Mc Kown opposed both the resolution and the report, and proposed a substitute to the former, expressing the opinion, that as the custom of returning an answer had been abolished, it was inexpedient to revive it. Mr. Bronson, the present Chief Justice of the State, then a Clintonian member of the Assembly, and Messrs. Ruggles, Ford, J. W. Cady, and others, spoke in favor of Mr. Mc Kown's substitute. Mr. Ulshoeffer and Mr. Romaine were the principal speakers on the other side. On taking the vote, the substitute was lost by a large majority, and the original resolution adopted.

John Townsend, Charles E. Dudley, Benjamin Mooers, and Perry G. Childs, all Anti-Clintonians, were chosen members of the Council of Appointment,

on the 10th of January. But little business was transacted by this Council, as the approaching change in the tenure of most of the offices in the State, rendered their action almost entirely unnecessary.

An election was held in the various towns and wards in the State, on the 15th, 16th, and 17th days of January, at which seventy-five thousand four hundred and twenty-two votes were given for the ratification of the Constitution, and forty-one thousand four hundred and ninety-seven against it. Thus was a civil revolution effected in the government, and that too by the votes of men who voluntarily surrendered political power into the hands of a large class of their fellow citizens who had formerly been denied the right of suffrage, without a resort to force, without commotion or disturbance, but with the peaceful assent of a large majority of the freeholders of the State. The moral greatness of such reforms always exerts an influence, and commands feelings of respect and veneration, which go far to strengthen the bulwarks of a Democratic Constitution. The people, upon whose verdict it rests for approval and adoption, can scarcely fail to cherish a sentiment of parental affection and regard, for the instrument of their creation: whenever it is perverted by designing men to promote selfish interests and views, they are prompt to apply the necessary corrective; and when it is assailed, they are equally zealous in rescuing and defending it.

By the amended Constitution, the whole number of members of Assembly was fixed at one hundred and twenty-eight, and laws were accordingly passed, at this session, apportioning the members among the dif-



ferent counties, and dividing the State into thirty Congressional Districts. Laws were also passed, providing for the election of State officers by the two houses, and the appointment of Justices of the Peace.

The new Constitution contained a provision, declaring that no lottery should thereafter be authorized in the State; and that the Legislature should pass laws to prevent the sale of all tickets, except in lotteries already provided for by law. Under this clause, the lottery system introduced in 1814, for the benefit of the literary institutions in the State, was not overturned; but it was thought advisable by the Legislature, at the session of 1822, to pass a law authorizing the institutions themselves, for whose benefit they were created, to assume the supervision and direction of the lotteries, and to contract with managers or agents whom they should employ to conduct them. John B. Yates, and Archibald McIntyre, the late Comptroller, entered into a contract with the institutions, by which they were vested with the exclusive monopoly of issuing and vending all lottery tickets to be put in circulation in the State. Mr. Yates afterwards transferred his interest to his brother, the Senator; and John Ely, Jr.; and it is said that all the gentlemen concerned realized independent fortunes from the contract.

During the winter and spring of 1822, the Albany Post Office occasioned a great deal of excitement in that city, and at Washington; Mr. Southwick had become a defaulter, and was promptly removed by the Government. A powerful effort was made by the friends of Solomon Van Rensselaer, to procure the

appointment for him, as a suitable reward for his meritorious services in the Indian expedition under Gen. Wayne, and during the late war. Before the decision of the President was made known, Mr. Tompkins and Mr. Van Buren, both of whom were at Washington, protested against the appointment of Mr. Van Rensselaer, on the ground that he was a Federalist, and urged the selection of Chancellor Lansing, who had been nominated for the office at a meeting of the Democratic citizens of Albany. Mr. King, the other United States Senator, also urged the President to delay the appointment, until he had received certain expected communications from his friends at home. All of these gentlemen, and especially Mr. King, were severely censured by the opposition, for their course on this question, although strictly in accordance with one of the first principles of the common law of both parties ; it may be added, however, that they were warmly and earnestly defended by their political friends in the State.

The next Gubernatorial election was required by the Constitution to be held in November, 1822. The Democratic party early took measures to bring their candidates into the field. So confident were they of succeeding at the polls, that a large number of gentlemen were urgently pressed by their respective friends, prior to the nomination. Gen. Root, Nathan Sanford, Peter B. Porter, and Henry Seymour, were all mentioned in connection with the office of Governor, but the contest in the caucus of the Democratic members, was confined entirely to Col. Young and Joseph C. Yates, one of the Judges of the Supreme

Court. The former was supported by the most ultra Democrats, and the friends of the latter were, as a general rule, the more cautious and prudent politicians. Mr. Yates was nominated by a large majority, and Gen. Root was selected as the Republican candidate for Lieut. Governor. Col. Young did not appear to be much chagrined at the result, and he remarked, in a jocose manner, that "he could do without the State of New-York, as well as the State could do without him." Mr. Clinton was at one time anxious to become a candidate for re-election, but the urgent entreaties of his friends, who were satisfied that he must be defeated, induced him to withdraw from the contest; and, in a letter addressed to a meeting of the citizens of Albany, at which resolutions were passed, highly complimentary to his public course, he expressly refused the use of his name. This determination of Mr. Clinton left the field entirely to Mr. Yates, and he would have been unanimously elected, had not Solomon Southwick taken the field as a stump candidate, and claimed the support of the few friends who had religiously adhered to him, in prosperity and in adversity.

## CHAPTER XI.

1822—Election of Judge Yates, and general success of the Democratic party—Members of the Senate elect—John Hunter—Stephen Thorn—John Sudam—Alvin Bronson—John A. King—Charles E. Dudley—Edward P. Livingston—John Cramer—Samuel Beardsley—Jonas Earll, Jr.—Heman J. Redfield—Azariah C. Flagg—Session of the Legislature in 1823—Gov. Yates' Message—Contest for the offices under the new Constitution—Nomination and rejection of Messrs. Spencer, Platt, and Woodworth, and the appointment of John Savage as Chief Justice, and Jacob Sutherland as an Associate Justice of the Supreme Court—Rejection of Samuel R. Betts, and Re-nomination of John Woodworth as one of the Associate Justices—Retirement of Messrs. Spencer, Van Ness, and Platt—Democratic Caucus for the nomination of State officers—John V. N. Yates appointed Secretary of State; William L. Marcy, Comptroller; Simeon Dewitt, Surveyor General; and Alexander M. Muir, Commissary General—Dissatisfaction of Gen. Tallmadge—William K. Fuller appointed Adjutant General—Edwin Croswell and Isaac Q. Leake appointed State Printers—Appointment of Circuit Judges—Reuben H. Walworth—William B. Rochester—Ambrose L. Jordan—Movements of Mr. Cramer, as the friend of Col. Young—Proceedings in anticipation of the Presidential Election in 1824—Divisions in the two parties in this State—The New-York Patriot—Retirement of Chancellor Kent—The People's party—Attempt to change the Electoral law—the November Election—David Gardiner—John Crary—Jacob Haight—Silas Wright, Jr.—John Bowman—Samuel J. Wilkin—Bowen Whiting—Samuel L. Edwards—Legislative session of 1824—Controversy in relation to the manner of choosing Presidential Electors—Congressional Caucus to nominate President and Vice President—Opposition to Gov. Yates—The Albany Regency—Rejection of the Electoral law—Nomination of Col. Young for Governor, and Gen. Root for Lieut. Governor—Removal of Dewitt Clinton from the office of Canal Commissioner—Extra session of the Legislature—Gov. Yates censured by the Republican members of the two houses—Dewitt Clinton and James Tallmadge nominated by the People's party, as their candidates for Governor and Lieut. Governor—1824.

THE Democratic ticket succeeded at the election in November, as a matter of course. Judge Yates re-



JOSEPH C. YATES.

LITH. OF C. CURRIER, N. Y.

ceived one hundred and twenty-eight thousand four hundred and ninety-three votes, and Mr. Southwick only two thousand nine hundred and ten. The following gentlemen, all of whom were Republicans, were elected to compose the first Senate under the new Constitution, viz: Walter Bowne, Jasper Ward, John A. King, and John Lefferts, from the First District; John Hunter, Stephen Thorn, John Suydam, and James Burt, from the Second; Charles E. Dudley, Edward P. Livingston, James Mallory, and Jacob Sutherland, from the Third; Archibald McIntyre, (not the late Comptroller,) John Cramer, Melancthon Wheeler, and David Erwin, from the Fourth; Samuel Beardsley, Thomas Greenly, Alvin Bronson, and Sherman Wooster, from the Fifth; Farrand Stranahan, Tilly Lynde, Isaac Ogden, and Samuel G. Hathaway, from the Sixth; Byram Green, Jonas Earl, Jr., Silas Bowker, and Jessee Clark, from the Seventh; and David Eason, Heman J. Redfield, Timothy Porter, and Joseph Spencer, from the Eighth District. Mr. Suydam, of the Senate, was one of the signers of the address issued by "the high-minded Federalists" in 1820, but the other Senators elect, had for a long time been active opponents of Mr. Clinton.

Upwards of one hundred of the members of Assembly chosen at this election, were Republicans. Among the most conspicuous of the number, were Peter R. Livingston, of Dutchess county, Jesse Buel, of Albany, Azariah C. Flagg, of Clinton, and Gulian C. Verplanck, and Jesse Hoyt, of New-York. Abraham P. Holdridge, a Clintonian member elected in Columbia county, was also a man of talent, and took

a prominent part in the deliberations of the Legislature, which convened on the 7th day of January, 1823. The House of Assembly was organized by the choice of Peter R. Livingston, as Speaker. There were one hundred and twenty-three members present, and Mr. L. received one hundred and seventeen votes. Indeed, it is hardly probable that that gentleman would have been supported as the candidate of the Republican members, had it not been for their overwhelming preponderance; for the reason that he was a man of very strong political prejudices, and though affable and courteous in his manners, an unwavering and unyielding opponent of Mr. Clinton and his friends.

After the organization of the Senate, Lieut. Gov. Root presented to that body a communication from Mr. Sutherland, a Senator elect from the Third District, stating that he had determined "not to take a seat in the Senate," on account of certain considerations which it was "unnecessary and perhaps *improper* for him to state." Mr. S. undoubtedly anticipated his subsequent appointment as one of the Judges of the Supreme Court, and the question was afterwards raised, whether or no, under the new Constitution, his mere election as a member of the Legislature, had not disqualified him for holding the office. The Governor and Senate decided differently, and took the ground that a person could not become "a member of the Legislature," in the constitutional sense, unless by some voluntary act assuming the rights and privileges of membership. This construction of the Constitution has prevailed, from that time down to the present.

The first annual message of Gov. Yates was looked for with some anxiety. As a literary composition, it could not be compared with those of Mr. Clinton. It was nevertheless brief, and principally confined to the recommendation of various unimportant laws that appeared to be necessary in order to carry the new Constitution into full effect.

Early in the winter, the city of Albany was thronged with the place hunters, whose appetites had become keenly whetted since the ratification of the Constitution. Like Jackals, they had scented their prey afar off, and were already congratulating themselves, in expectancy, upon the anticipated banquet they were soon to share, over the victims of the civil revolution which had just been effected. All the hangers-on of the political party then in the ascendancy, were exceedingly anxious to mend their "battered and bankrupt fortunes," and the first to make known the important sacrifices they had made in the cause of popular liberty. Among the numerous expectants of official preferment, and the eager aspirants to place and power, there were, no doubt, many honest and deserving men; and, it is a singular fact, that most of the selections made by Gov. Yates, out of the incongruous mass that blockaded the Capitol, were highly judicious and appropriate.

One of the most absorbing questions, in the estimation of the political adventurers congregated at Albany, was, whether the Governor would nominate, and the Senate confirm, the old Judges of the Supreme Court. Judge Van Ness declined being a candidate in opposition to his associates on the bench. Gov. Yates



was quite anxious to discharge the duty devolved upon him, in accordance with the wishes of his friends, and in a manner calculated to promote the interests of the people. The great unanimity with which he had been elected, the most deceitful test, after all, to the politician, had impressed him with too flattering an idea of his popularity. Although he had been elected without opposition, he was not the less the candidate of a political party; and while not a few of its most active members had determined, as the first object to be accomplished, upon a complete revolution in the higher courts, the great majority were too exacting to overlook the least hesitation in carrying out their behests. He seemed to forget the lesson that Queen Elizabeth had taught one of her bishops, that the same power which had made, was strong enough to unmake; and, as he was naturally timid and cautious, he was alternately coaxed and threatened, until he finally concluded, on the 27th of January, to nominate Ambrose Spencer, as Chief Justice, and Jonas Platt and John Woodworth, as the Associate Justices of the Supreme Court. Notwithstanding their conceded qualifications and abilities, the Governor would have found it impossible to select two persons more objectionable, in the opinion of the Democratic Senators, and the younger members of the bar, than Messrs. Spencer and Platt. The public certainly were not disappointed at the prompt rejection of the nominations made by Gov. Yates, by nearly the unanimous vote of the Senate, except in the case of Mr. Woodworth, who would probably have been confirmed, if the other nominations had

been different. Nathan Sanford was nominated, at the same time, to the office of Chancellor, and was unanimously confirmed. This appointment was made to take effect on the first day of August following, at which time, Mr. Kent became ineligible, by reason of his reaching the age of sixty years, fixed by the Constitution.

On the 28th day of January, the Governor nominated John Savage, Comptroller of the State, as Chief Justice, and Jacob Sutherland, and Samuel R. Betts, at the present time Judge of the United States Court for the Southern District of New-York, as the Associate Justices. Mr. Spencer and Mr. Platt at once expressed their dissatisfaction at the haste of the Governor in making new nominations, and intimated that he had secretly desired their rejection. This suspicion was unfounded, and it does not appear to have been very generally entertained. It is certain, at least, that the Democrats in the Senate did not imagine any thing of the kind. Mr. Savage and Mr. Sutherland were not in very extensive practice as members of the legal profession, at the time of their appointment, but they afterwards proved to be well qualified for the discharge of their official duties. Their nominations were confirmed on the 29th of January, but the Senate refused to concur in the appointment of Mr. Betts. The rejection of the latter gentleman was not owing to the want of the necessary qualifications for the office, but was produced by the friends of Judge Woodworth, who circulated a report impeaching his political integrity. But little credence was given to the report, in the end, as he was afterwards

nominated and confirmed as one of the Circuit Judges. After the rejection of Mr. Betts, Judge Woodworth was again nominated to fill the remaining seat on the bench, and confirmed in the Senate by a small majority.

Chief Justice Spencer, and Judges Van Ness and Platt, after their retirement from office, resumed the practice of the law. All three of these gentlemen were highly distinguished in their profession, and the reports of the decisions made while they occupied the bench of the Supreme Court, evinced a high order of talent, and contributed, in a great degree, to elevate the character of the New-York judiciary.

At the caucus of the Democratic members of the Legislature, held for the selection of State officers, John Van Ness Yates was nominated for Secretary of State; William L. Marcy for Comptroller; Simeon Dewitt for Surveyor General, and Alexander M. Muir, for Commissary General. Mr. Yates and Mr. Muir were selected without opposition. The friends of Col. Young, who were headed by John Cramer, of Saratoga, were opposed to Mr. Marcy, and endeavored to procure the nomination of Gen. James Tallmadge. Gov. Yates and his friends were in favor of Mr. Marcy, who succeeded in the caucus by a large majority. Mr. Van Buren was in Washington at this time, but it was understood that he coincided with the Governor. Gen. Tallmadge was much dissatisfied at his defeat, and soon after abandoned the Democratic party, in company with a number of his personal adherents. Some little opposition was also manifested to the choice of Mr. Dewitt, who was a

Clintonian ; but his kindness and generosity of heart, and his conceded fitness for the office, were arguments in his favor, that could not be overcome. The Legislature carried into effect the decrees of the caucus, on the 13th of February, by the election of the individuals who had been nominated. Notwithstanding the controversy in the meeting, in relation to some of the candidates, there was very little murmuring after the decision had been made, as it was already a cardinal doctrine with the Democratic party to support all nominations made in this manner, and he was considered a very bold man who dared to set up his will against the fiat of the majority.

The election of Mr. Marcy as Comptroller of the State, created a vacancy in the office of Adjutant General, which was filled by the Governor, by the appointment of William K. Fuller, of Madison county. The County Judges, Surrogates, and other minor officers, appointed this winter, were almost invariably selected from the Democratic party, in pursuance of the recommendations of conventions held in the several counties. Gov. Yates himself, was not inclined to act as a partizan in the distribution of the offices, but after the rejection of a candidate whom he had nominated for the place of Notary Public, in compliance with the wishes of the Board of Directors of the State Bank at Albany, he appears to have determined to carry out the wishes of the party, as expressed by their representatives in the Senate.

The death of Mr. Cantine, one of the editors and proprietors of the Albany Argus, which occurred early in the winter, produced a change in the management.

of that paper. Edwin Croswell, a young printer from Catskill, who had attended the funeral of his friend, Mr. Cantine, was solicited by Benjamin F. Butler, William A. Duer, and other leading Republicans, to remain at Albany, and assist Mr. Leake in conducting that paper; and, on the 31st of March, a bill passed both houses of the Legislature, appointing Messrs. Croswell and Leake, State Printers. This selection proved to be a fortunate one for Mr. Van Buren, and his friends; Mr. Croswell soon exhibited the peculiar traits which have rendered him so conspicuous as a Democratic editor, and became an efficient agent in carrying into effect the party discipline established by the leading Republicans in the State.

The act fixing the number and compensation of the Circuit Judges, was passed on the 17th day of April. One Judge was required to be selected for each Senatorial District, and the Governor soon after made the following nominations, which were confirmed by the Senate, viz: Ogden Edwards, for the First Circuit; Samuel R. Betts, for the Second; William A. Duer, for the Third; Reuben H. Walworth for the Fourth; Nathan Williams, for the Fifth; Samuel Nelson, for the Sixth; Enos T. Throop for the Seventh, and William B. Rochester, for the Eighth. These appointments were quite popular, and the individuals selected brought to the discharge of their official duties, talents and qualifications of a high order. The only contest of importance, in the selection of the Circuit Judges, arose in the Third District. Ambrose L. Jordan, of Hudson, a lawyer of considerable eminence, and a uniform Democrat, was warmly urged by his friends

for the office ; and the appointment of Mr. Duer was resisted, on the ground that he had formerly been a Federalist. Mr. Van Buren and his friends, in view of the important assistance which Mr. Duer, and others associated with him in 1820, had rendered to the Democratic party, were in favor of his nomination, and exerted their influence to secure it. Mr. Jordan immediately afterwards became opposed to Mr. Van Buren, and has maintained that position up to the present time.

The only additional appointment made this winter, which need be mentioned, was that of Richard Riker, as Recorder of the city of New-York. The business of the Legislature during the session, was almost entirely confined to perfecting the changes in the statute law of the State, required by the new Constitution. The following joint resolution, which, to say the least of it, was straining the point of etiquette that had elicited so much valuable information at the previous sessions of the Legislature, was offered in the Assembly, by Mr. Morse, of New-York, and adopted by nearly a unanimous vote :

*" Resolved, (If the honorable the Senate concur therein,) That the practice of addressing the Governor by the title of His Excellency, and the Senate and Assembly, the members and officers thereof, and several other officers of the government, by the title of Honorable, be discontinued and abolished, as incompatible with the Republican forms and principles of the Constitution."*

One night's reflection, on the part of the members of the House, led to the formation of a "sober second-

thought," which was exhibited in the reconsideration of the resolution on the day following its adoption.

Owing to the pervading mania in relation to the divisions of the offices, the debates of neither house of the Legislature, at the session of 1823, exhibited a very high order of talent. Messrs. Bowne, Bronson, Suydam, King, Livingston, Hunter, Beardsley, and Redfield, of the Senate, were all able men; but few of them, with the exception of Mr. Beardsley, who was then a young man, took an active part in the proceedings. Mr. Burt, and Mr. Cramer, were experienced political tacticians, but all their efforts appear to have been directed to the advancement of particular objects. The latter especially exerted himself to separate the Democratic party from the Governor. He seemed to take the defeat of Col. Young in the Gubernatorial caucus more to heart, than that gentleman himself, and he left nothing undone to secure justice for his friend.

As early as the year 1822, the canvass for the next Presidential nomination commenced in the city of Washington. A large number of candidates were brought into the field, and the excitement continued gradually to increase until the year 1823, when it formed the principal topic of conversation. A majority of the Democrats in the Northern and Middle States, were in favor of the nomination of John Quincy Adams, but Mr. Crawford was probably the strongest candidate in the Union at large. Gen. Jackson, Mr. Calhoun, and Mr. Clay, were also urged by their respective friends in different parts of the country. The members of Congress, who supported Mr. Crawford, were opposed by the united strength of the other can-

didates. Mr. Van Buren, Gen. Root, Samuel Beardsley, and other prominent Republicans in this State, advocated the claims of Mr. Crawford, and, after it had been determined by the friends of Adams, Calhoun, Clay, and Jackson, not to call a Congressional caucus, for the purpose of making a nomination, they became alarmed and endeavored to bring the influence of the New-York Legislature to bear upon the question. With this object in view, a meeting of the Republican members of that body, was held in Albany, on the 22d day of April, and a resolution adopted in favor of calling a Congressional caucus to select candidates for President and Vice President. The proceedings of this meeting were immediately forwarded to Washington, but they failed of producing any impression, except to increase the activity of the opponents of Mr. Crawford.

Joseph Spencer, a member of the Senate of this State, elected in the Eighth District, died shortly after the close of the annual session of the Legislature; and Samuel Beardsley, from the Fifth District, resigned his seat during the vacation, in consequence of receiving the appointment of District Attorney of the United States for the Northern District of New-York.

The term of service of Chancellor Kent expired in July of this year. A short time previous to his retirement, a numerous meeting of the members of the bar in the city of New-York was held, at which Messrs. Emmett, Wells, Jones, and Boyd, were appointed to communicate to the Chancellor their high respect for his character, and their deep regret at the termination of his official duties, which had been discharged with



so much ability and fidelity, and had imparted an unfading lustre to the jurisprudence of the State. Various meetings of a similar character were held in the different cities of the State. All classes and parties united in paying a complimentary tribute to those important services of which the public were soon to be deprived; and they were sincerely rejoiced at his entrance upon those subsequent labors which have contributed to do away with many of the rough and unpromising features generally connected with an introduction to the science of the law, and to strengthen and invigorate the mind, by subjecting it to a rigid discipline, and, at the same time, banish every tendency to indulge in that enervating relaxation—'*laborum dulce lenimen*'—which is but too apt to impair its vigor and its usefulness.

Brockholst Livingston, who was one of the ablest members of the family whose name he bore, died in 1823. Chief Justice Spencer, and Henry Wheaton, were both candidates for the vacancy on the bench of the Supreme Court of the United States, but the appointment was conferred on Smith Thompson, then Secretary of the Navy. Mr. Spencer's friends, who had deeply regretted the loss of his conceded abilities in the administration of justice in this State, pressed his name with much zeal and warmth. His nomination would, by no means, have detracted from the high character of the court; but the opposition manifested on the part of the New-York members of Congress, though founded entirely on political considerations, was too strong to be disregarded by the President.

During the summer of this year, a difficulty arose

among the Republicans in the city of New-York, which afterwards extended through the whole State. Mordecai M. Noah, a forcible and witty writer, and for several years previous the editor of the *National Advocate*, had been appointed Sheriff of the city and county of New-York, in 1821 ; and in consequence of his failure to obtain the printing of certain legal notices directed to be published in the State Paper, he had denounced Messrs. Sharpe, Ulshoeffer, Romaine, and other leading Democrats in the city of New-York, in terms of bitter hostility. After the adoption of the new Constitution, he was regularly nominated as the Democratic candidate for the office of Sheriff. The *New-York American*, which was conducted by Charles King, openly refused to support his nomination ; and those gentlemen whom he had attacked also took ground against it. The consequence was, that Mr. Noah lost his election ; and he eagerly availed himself of the opportunity which offered in 1823, to renew the contest with the persons through whose instrumentality he had been defeated. He came out decidedly in favor of Mr. Crawford, and claimed that his paper was the only truly Republican journal in the city. With a view of counteracting the influence of the *Advocate*, Henry Wheaton, who, it is said, was then in the confidence of Mr. Calhoun, procured the establishment of a new paper, called the *New-York Patriot*, which was placed under the editorial charge of Charles K. Gardner, recently one of the Assistant Postmaster Generals. This paper opposed the election of Mr. Crawford, but did not support any particular one of the different candidates.

Mr. Clinton was one of the earliest supporters of Gen. Jackson; but the party to which he belonged in this State were equally divided with the Republicans, in reference to the Presidential question. In this state of things, it was feared by Mr. Wheaton and others, that a majority of the members elected to the next Legislature would be under the control of Mr. Van Buren. For the purpose of preventing this result, a plan was matured by a citizen of Albany, and advocated in the New-York Patriot, for giving to the people the choice of the Presidential Electors. The Albany Daily Advertiser, which was edited at this time by Israel W. Clark, formerly of the Albany Register, took ground in favor of this proposition, and claimed to be the organ of the persons with whom it had originated. This movement proved to be a popular one, and a party, denominated "The People's Party," was formed for carrying it into effect.

The friends of Mr. Crawford in this State, were denominated "The Regency Party," by their opponents; and an active and spirited system of electioneering was commenced by both parties, in anticipation of the November election. The choice of the Electors by the people was thoroughly Democratic, and a large proportion of the candidates put in nomination, were pledged to vote for the law.

The People's party proper did not succeed in electing a majority of the members of Assembly, although it was understood that upwards of seventy of them were committed in favor of the Electoral law. Mr. Wheaton was elected in the city of New-York, on the People's ticket; and Gen. Tallmadge in the county

of Dutchess. Henry Cunningham succeeded as a self-nominated candidate, in Montgomery county ; John Crary and Ezra Smith, in Washington ; and Isaac Riggs in Schenectady. Among the Clintonian members elected, were Samuel J. Wilkin, of Orange county, then a young man of promising abilities, and Doct. Barstow, of Tioga. The most prominent Republican members chosen, were Messrs. Flagg, of Clinton, Ruger, of Oneida, Hosmer, of Genesee, Edwards, of Onondaga, Whiting, of Ontario, and Waterman, of Broome. David Gardiner, a People's man, was elected in the First Senatorial District, in the place of John A. King ; William Nelson succeeded Mr. Hunter, in the Second ; Jacob Haight took the place of Judge Sutherland, from the Third ; Silas Wright, Jr., was chosen in the Fourth District, as the successor of Mr. Erwin ; Perley Keyes in the Fifth, in the place of Mr. Beardsley ; Latham A. Burrows in the Sixth, in the place of Mr. Hathaway ; Jedediah Morgan in the Seventh, in the place of Mr. Bowker ; and John Bowman in the Eighth, in the place of Mr. Porter. The vacancy in the Eighth District, occasioned by the death of Mr. Spencer, was filled by the election of James Mc Call.

The Legislature of the State commenced its annual session on the 6th day of January, 1824. Mr. Wheaton, Gen. Tallmadge, and others, who had been elected by the People's party, in opposition to the regular Republican nominations, met with the Democratic members, at the caucus held on the evening preceding the first day of the session, and an attempt was made to nominate Mr. Tallmadge as the candidate for Speaker ;

but Richard Goodell, of Jefferson county, received a large majority of the votes, and was afterwards elected in the House. The message of Gov. Yates was a more creditable document than the previous one. He again recommended the encouragement of domestic manufactures, and called the attention of the Legislature to the contemplated change in the mode of choosing Presidential Electors, but did not express any definite opinion on the subject. As soon as the preliminary organization had been completed in the Assembly, Mr. Wheaton gave notice that he would bring in a bill, authorizing the people to choose the Electors of President and Vice President. Mr. Flagg, who was the most shrewd and active Crawford man in the House this winter, immediately offered a resolution, that the whole subject of changing the law in respect to the choice of electors should be referred to a select committee of nine members.

The introduction of Mr. Flagg's resolution, at once set in motion all the stormy elements which had been concentrating their energies for the anticipated debate. It was vehemently attacked by Mr. Wheaton, Gen. Tallmadge, Doct. Barstow, and Messrs. Crary and Wilkin, and defended with equal warmth by Messrs. Flagg, Edwards, and Ruger, who were Crawford men, and Messrs. Osmer, Whiting, and Mullett, who were friendly to Mr. Clay. The preponderance of talent was decidedly with the members who supported the proposition advocated by the People's party, and they charged the mover of the resolution with an intention to embarrass the proceedings of the Legislature, and evade or delay action on the Electoral law. Mr. Flagg was

a practical printer, and then conducted a Democratic paper published at Plattsburgh ; but he was not daunted by the array of intellect that he was compelled to meet, and he made several pungent speeches in reply to the attacks made upon him. The resolution which he offered was adopted, by seventy-six to forty-seven ; and Messrs. Flagg, Wheaton, Mullett, Van Alstyne, Bellinger, Finch, Brown, Bowker, and Ellis. All the members of the committee, with the exception of Messrs. Wheaton, Mullett, and Finch, were Crawford men.

On calling the committee together, Mr. Flagg stated the object of their appointment, but neither he or his friends brought forward any proposition for consideration ; whereupon, for the purpose of expediting the business, Mr. Wheaton offered the following resolution :

*“ Resolved, As the sense of this Committee, that the right of choosing the Electors of President and Vice President of the United States, ought to be vested in the people of this State, by a law to be passed at the present session of the Legislature.”*

This resolution was carried ; Mr. Van Alstyne being the only member of the committee who voted in the negative. Mr. Wheaton then offered another resolution, declaring, “ that such election ought to be by general ticket ; ” which Mr. Flagg proposed to amend, by adding the words, “ and that a majority of all the votes shall be necessary to make a choice.” Mr. Wheaton opposed the amendment, on the ground that it had been the invariable custom to elect by a plurality ; and that if the law was framed as desired by Mr. Flagg, the vote of New-York would be lost ; as it

could not be expected that either one of the candidates would receive a majority of all the votes cast ; and it would be impossible to order a new election within the thirty-four days limited by the Constitution. After meeting several times, the committee finally agreed to report a bill, giving to the people the power of choosing the Electors, by a majority of all the votes, and providing that, in case no choice should be had, the election should be made by the Legislature. An animated discussion, on the merits of the bill, took place in the House, and the clause in relation to the right of the Legislature to make choice of the Electors, where there was a failure to elect by the people, was stricken out. Mr. Finch, who was elected by the People's party, in the county of Orange, then moved an amendment, substituting the choice by a plurality, for that of a majority, of the votes, which was lost ; fifty-two members voting in favor of the amendment, and sixty-four against it. This result was produced by a union of the Adams and Clay men, who were fearful that Mr. Clinton would be brought forward as a candidate for the Presidency, if a plurality vote could secure the Electors, with the Crawford members of the Assembly. After the passage of this bill, Mr. Wheaton, who was then the Reporter of the Supreme Court of the United States, obtained leave of absence for the remainder of the session.

In the Senate, the Electoral bill was referred to a committee, of which Mr. Dudley was chairman. It was suffered to sleep in their hands, until a resolution requiring them to report, was offered by Mr. Ogden, who was supported by Messrs. Burt, Burrows, and

Cramer. The resolution was opposed by Messrs. Suydam, Wheeler, and Wright, and postponed indefinitely ; but the committee, within a few days, made a lengthy and labored report, concluding with the following summary of their views :

“The Committee are therefore of opinion, for the reasons set forth in this report, that it would not be expedient to pass the bill from the Assembly, or any other bill changing the present mode of appointing Electors of President and Vice President of the United States ; or, at least, until the efforts which are now seriously making in Congress to establish a uniform rule of apportionment, by an amendment of the Constitution of the United States, by which the people can elect by districts, have either terminated in the adoption or rejection of such amendment by that body.”

This report was taken up in the Senate, on the 10th day of March, when Mr. Cramer moved to amend it, by striking out the clause above quoted, and inserting this resolution :

“*Resolved*, That it is expedient to pass a law, at the present session of the Legislature, giving to the people of this State the choice of Electors of President and Vice-President by general ticket.”

Mr. Cramer supported his resolution, in a pertinent and argumentative speech, and it was finally passed, by a vote of sixteen to fifteen, after an unsuccessful attempt to append the plurality clause. Mr. Wright voted against the amendment, and in favor of the original resolution, although he had proposed an amendment to the report, providing for the choice of



the Electors by districts, except the two corresponding with the Senators in Congress, who were to be chosen by the Legislature. This gentleman was one of the youngest members of the Senate, and it was understood at the time of his election, that he would vote for an electoral law. He delivered a speech during the progress of the discussion, which was quite ingeniously framed, and indicated the possession of talents of a high order. So far as voting for the resolution of Mr. Cramer was concerned, he acted in conformity with the implied understanding between himself and his constituents ; but he directly afterwards contributed, by his vote, to the practical defeat of the very measure which they desired to see carried into effect.

The debate in the Senate, on the Electoral bill, was brought to a close by a motion, made by Edward P. Livingston, directing the further consideration of it to be postponed until the first Monday in November. Mr. Suydam seconded the motion, and it was carried by the following vote :

*Ayes*—Messrs. Bowman, Bowne, Bronson, Dudley, Earll, Green, Keyes, Lefferts, Livingston, Mallory, McCall, Redfield, Stranahan, Suydam, Ward, Wooster, Wright—seventeen.

*Nays*—Messrs. Burrows, Burt, Clark, Cramer, Gardiner, Greenly, Haight, Lynde, McIntyre, Morgan, Nelson, Ogden, Thorn, Wheeler—fourteen.

The conduct of the majority, of the Senate in refusing to pass an Electoral law, in compliance with the general sentiment prevailing among the people, naturally excited a deep feeling of indignation. It was

true, that the motives of the originators of this plan to prevent the election of Mr. Crawford, were deserving of the severest censure: it certainly did not proceed from any commendable desire to restore to the people a power that had been wrongfully taken from them, but its design was rather to defeat the most popular candidate, and thus pave the way for the success of some one of the other aspirants to the Presidency; nevertheless, these considerations, howsoever they might have influenced the votes of the seventeen Senators, ought to have been entirely disregarded. They should have remembered that, although the politician who advocates innovation and change, and strikes out in advance of his party, in favor of new and untried measures, is not always the most successful, his fearlessness and honesty are gratefully remembered, even if they go unrewarded, by those who reap the fruits of his labors. It is far better to take advantage of the favorable tide, than to wait for the returning wave, and be borne headlong to destruction. 'Reform' is, indeed, 'a catching word.' Abuses are sometimes practiced under its influence; but when it is the expression of a laudable desire to overthrow wrong and injustice, and restore to their legitimate possessors the rights and privileges of which they have been deprived, it awakens a glad response in the hearts of the people, who never rest satisfied until the great object is attained. The members of the Legislature of 1824, who were the most zealous in attempting to procure the passage of the Electoral law, undoubtedly labored for the promotion of their own selfish views; but they dexterously availed themselves of a measure that was

just and proper in itself, and, however unworthy may have been the instruments by whom it was employed, it was powerful enough to overthrow the dominant party in the State.

The most glaring error of the Senators who supported Mr. Livingston's motion to postpone the consideration of the Electoral bill, was, that they professed to be in favor of giving to the people what was demanded in their behalf, but at the same time rejected every proposition that looked like accomplishing the object. The course of the Crawford men was a matter of strict necessity, in a party point of view, and justifiable only upon the Jesuitical doctrine, that the means are warranted by the end. The Adams and Clay men, also, who were fearful that Mr. Clinton would supplant their favorite candidate, might have resorted to the same plea, in their justification; and had the vote of the seventeen Senators been defended, as an extreme measure, which had been forced upon them, as was in truth the case, the popular odium subsequently attached to their conduct, might, in some degree, have been relieved. But the flimsy covering resorted to, for the purpose of concealing the real motive of the act, was so easily penetrated, that it was at once held up to ridicule; and the names of Mr. Livingston and his associates were displayed upon placards, and in the columns of the public prints, coupled with the severest animadversions upon their course.

The Presidential question continued to excite an extraordinary degree of interest at Washington, during the winter of 1824. Mr. Van Buren, Mr. Dick-

inson, Mr. Forsyth, and other friends of Mr. Crawford, made great exertions in order to secure the nomination of that gentleman, at a general Congressional caucus. More than two-thirds of the members were opposed to this course, and only sixty-six were induced to attend in pursuance of the call. On balloting for a Presidential candidate, Mr. Crawford received sixty-two votes, Mr. Adams two, Gen. Jackson one, and Nathaniel Macon one. The result of this caucus injured the prospects of Mr. Crawford; but the friends of the other candidates did not care to exhibit their own weakness separately, and therefore contented themselves with preserving their united opposition to the nominee of the caucus.

Murmurs of dissatisfaction at the course of Gov. Yates had been heard soon after his entering upon the duties of his office, and they were renewed by his enemies on every occasion that presented itself. A number of satirical articles, written by S. Dewitt Bloodgood, and Charles A. Clinton, one of the sons of the late Governor, over the signature "Buffalo," appeared in the Albany Daily Advertiser; and as the object of the writers was to bring the Governor into ridicule and contempt, they resorted to the most flagrant personal abuse, and exposed his private actions and relations to the public gaze. Mr. Cramer, and other friends of Col. Young, though not openly countenancing these personal attacks, were notwithstanding exceedingly officious in keeping up the discontent; and after the rejection of the Electoral bill, it was charged upon Gov. Yates that he had advised that course, and would be held responsible. The object

of this charge was to establish a conviction in the minds of the Democratic members, of the necessity of taking up some other candidate for the next Governor. Mr. Wright and Mr. Flagg firmly adhered to Mr. Yates, and insisted that he ought not to be sacrificed for assisting in carrying a party measure into effect. Col. Young was understood to be friendly to the Electoral bill; and the policy of Mr. Cramer, who had voted in favor of it in the Senate, appears, in the first instance, to have been, to form a union with the People's party. Negotiations were accordingly entered into, between himself and Mr. Wheaton, and other People's men; and it was determined that a State Convention should be held, and Col. Young nominated for Governor. Before this arrangement could be carried into effect, a caucus of the Republican members was held, and, as it was found that the friends of Gov. Yates had, to a great extent, ungenerously deserted him, the plan of Mr. Cramer was immediately changed. Col. Young was brought forward as a candidate, and received the nomination, by nearly twenty majority. Gen. Root was re-nominated for the office of Lieutenant Governor. This was the last Legislative caucus held for the nomination of these officers.

The People's party in the Legislature, were taken by surprise, at the nomination of Col. Young, and on the 7th of April, they also held a meeting, and adopted an address, protesting against the manner of making nominations by a Legislative caucus, and recommending that a Convention of delegates, to be chosen by the friends of the Electoral bill, should be held at Utica on the 21st day of September. This

movement completely dissipated the hopes that were entertained by the friends of Col. Young, of his receiving the votes of the People's party, and he was soon after denounced by them, as being under the control of the Albany Regency, which was said to consist of Benjamin Knowler, Samuel A. Talcott, William L. Marcy, Roger Skinner, Edwin Croswell, and Benjamin F. Butler.

It was confidently asserted, before the close of the winter session of the Legislature, by several active politicians, that a desire existed among a number of the leading members of the People's party, to nominate Dewitt Clinton as their candidate for Governor. Mr. Wheaton, and others, protested that there was no such plan on foot, and it was then generally understood that Mr. Tallmadge would be the candidate. But the fears and apprehensions of the Crawford men were not easily allayed, and, with a view of preventing the nomination of Mr. Clinton, if it were really in contemplation, they concocted a most unjustifiable plan for his removal from the office of Canal Commissioner. He had discharged the duties of the office faithfully and gratuitously, for a series of years, and not a word of complaint was made, imputing to him any official misconduct. The object of proposing his removal, was to force the Anti-Clintonians in the People's party, either to vote against him, or to come out openly in his favor. Mr. Bowman submitted the resolution in the Senate, and it passed with but three dissenting voices; Messrs. Cramer, Morgan, and McIntyre, being the only Senators who voted against it. In the House, some little opposition was exhibited to

the passage of the resolution, and Mr. Cunningham, of Montgomery county, who claimed to be neutral in politics, delivered an eloquent and impassioned harangue against the gross act of proscription and injustice which it contemplated. After a few moments' farther debate, the question was put, and decided in the affirmative—sixty-four to thirty-four. Mr. Wheaton, Mr. Tallmadge, and nearly all the Adams men belonging to the People's party, voted in favor of the resolution, while several of the friends of Mr. Crawford opposed its passage.

The removal of Mr. Clinton was a hasty and ill-advised act. It not only failed of accomplishing the object for which it was designed, but its immediate effect was to secure the nomination and election of the very individual whom it was intended to prostrate, and, on many a subsequent occasion, it returned to plague the inventors. A public meeting was called in Albany, soon after the proceedings of the Legislature were made public, which was attended by a large number of citizens. Judge Tayler, the late Lieut. Governor, presided, and John H. Wendell officiated as Secretary. Eloquent addresses were made by Col. James McKown, and others, and a series of spirited resolutions, drawn up by Alfred Conkling, the present Judge of the United States District Court for the Northern District of this State, expressing the views of the assembled people, upon "the flagrant and wanton violation of public trust," committed by the Legislature, were reported, and adopted by acclamation. A committee was also appointed, consisting of William James, Ebenezer Baldwin, Joseph Alexander, Phillip S. Par-

ker, Josiah Townsend, Israel Smith, Samuel M. Hopkins, Chandler Starr, Elisha Jenkins, Gideon Hawley, Teunis Van Vechten, John Cassidy, Jeremiah Watterman, James McKown, Jabez D. Hammond, Alfred Conkling, and the Chairman and Secretary, to express to Mr. Clinton, "the lively sense" which the meeting entertained "of his highly meritorious services, and to tender to him the tribute of their warmest thanks." Public meetings were held in New-York, and other places, at which similar proceedings were had. The replies of Mr. Clinton, to the numerous addresses he received, were uniformly courteous and dignified, and contributed to swell the torrent of popular indignation, which was fast pouring in upon the authors of his removal.

During the summer of 1824, the partnership between Messrs. Croswell and Leake was terminated, by the withdrawal of the latter from the concern, and his resignation of the office of State Printer. This step was occasioned by the preference of Mr. Leake for Mr. Clay as the next candidate for the Presidency; and as Mr. Croswell and a large majority of the patrons of the *Argus* were decided in their support of Mr. Crawford, it was thought advisable that the change should be made.

Gov. Yates seems to have entertained the opinion, after the adjournment of the Legislature, that if he came out in favor of the Electoral bill, he might be re-nominated by the People's Convention. The dissatisfaction at the course of Mr. Tallmadge, in voting for the removal of Mr. Clinton, tended to strengthen this idea, and the Governor then determined on calling an extra session of the Legislature, that he might



have an opportunity of expressing the change in his opinions. His proclamation for that purpose was dated on the 2d day of June, and, after adverting to the fact that Congress had adjourned, without making any change in the manner of choosing Presidential Electors, which it could not constitutionally do, it went on to express the opinion, that "the people were justly alarmed with the apprehension that their undoubted right of choosing the Electors of President and Vice President would be withheld from them." In order to prevent this result, the Governor stated that he felt bound to convene an extra session of the Legislature of the State, to commence on the 2d day of August; at which time the members assembled in pursuance of the proclamation. The Governor's message reiterated the sentiments he had previously advanced in the document convening the Legislature, but before it was received in the Senate, Mr. Green, of the Seventh District, offered a resolution censuring the Governor for calling the extra session. Immediately after the reception of the message in the House, Mr. Flagg offered the following resolutions:

*"Resolved,* That since the last adjournment of the Legislature, nothing has transpired within the letter or spirit of the Constitution, requiring an extraordinary session at this time, and, therefore, the proclamation of the Governor convening the same, is not warranted by the Constitution.

*"Resolved,* That inasmuch as the transaction of legislative business, in obedience to a proclamation thus indiscreetly issued, and especially in relation to a subject which had been repeatedly discussed and

acted upon by the Legislature at their last meeting, would sanction a precedent of dangerous tendency, it is due to the members of the Legislature, as well as to the Constitution under which they sit, and the oath they have taken to support it, as to the highest and best interests of their constituents, that they should forthwith adjourn. Therefore,

“*Resolved*, (If the Senate concur,) the two houses will immediately adjourn, to meet again pursuant to law.”

Gen. Tallmadge earnestly opposed the passage of these resolutions, and he, and other members of the Assembly, delivered several effective and animated speeches on the question. The first two resolutions were adopted by a strong vote, but the remaining one was temporarily postponed. A resolution was also adopted in the House, on the same day, declaring that an Electoral law ought to be passed. The vote on the last resolution stood seventy-five to forty-four. The Senate concurred in the resolutions of the Assembly, and on the 6th day of August they adjourned, without accomplishing any other business.

Mr. Clinton's friends were very active in pressing his claims as the candidate for the next Governor, up to the time of the Convention. Charles G. Haines, formerly his private Secretary, and S. Dewitt Bloodgood, of Albany, contributed a number of able articles to the leading Clintonian journals, in favor of his nomination, and the former gentleman visited almost every county in the State on the same political errand. The original founders of the People's party, Messrs. Tallmadge, Wheaton, Burt, Ogden, Burrows, Gardiner,

and others, were far from being disposed to surrender the fruits of their anticipated victory to the eleventh-hour men who had joined their ranks. They entertained an invincible feeling of repugnance towards Mr. Clinton, and, if the safety of their party had not depended on the assistance of himself and his friends, it is probable that they would have refused to co-operate with them. One hundred and twenty-two delegates were present at the Convention, which was organized by the appointment of John Tayler, of Albany, as President, Alexander Coffin, of Hudson, as Vice President, and Samuel Stevens, of Washington, as Secretary. About thirty of the members belonged to the People's party proper, and the remainder were either Clintonians or Federalists. The People's men were unanimous in favor of Mr. Tallmadge; and Doct. Barstow, of Tioga, and Gerrit Smith, of Madison, both of whom were Clintonians, also concurred in the propriety of his nomination; but it was soon found, however, that he would not receive the votes of a majority of the delegates, and his friends then proposed the name of John W. Taylor, of Saratoga, an Adams man and a Clintonian. This attempt to prevent the nomination of Mr. Clinton, was defeated by the production of a letter from Mr. Taylor, positively interdicting the use of his name. On the second day of the Convention, Dewitt Clinton received the nomination for Governor by a large majority, and Gen. Tallmadge was unanimously selected as the candidate for Lieutenant Governor.

Before the adjournment of the Convention, resolutions were adopted, on motion of Mr. Gebhard, of

Schoharie, declaring that it was improper to make nominations of candidates for Governor and Lieutenant Governor in a Legislative caucus, and that Justices of the Peace ought to be elected by the people. Most of the members of the Convention belonging to the People's party withdrew as soon as the nomination of Mr. Clinton was announced, and formed a separate meeting, of which Mr. Coffin, the Vice President of the Convention, was made Chairman, and Mr. Todd, of New-York, Secretary. This meeting passed resolutions protesting against the selection of Mr. Clinton, but concurring in that of Gen. Tallmadge. Aside from the temporary ill-feeling it produced, this disaffection did not operate to the prejudice of the Clintonian and People's ticket.

## CHAPTER XII.

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1824.—Defeat of the Democratic party, and triumphant election of Dewitt Clinton—Details of the November Election—John W. Hulbert—Samuel Stevens—Thurlow Weed—Extra Session of the Legislature, and choice of Presidential Electors—Movements of the Adams and Clay men—The Chemical Bank—Efforts of the Bucktails to control the appointments to office under Mr. Clinton's administration—Annual Session of the Legislature in 1825—The Governor's Message—Result of the Presidential Election, and operations of the party leaders at Washington—Disaffection, of Gen. Tallmadge and his friends—The election of a United States Senator to succeed Mr. King defeated in the State Senate—Divisions in relation to the Presidential question—The English Mission tendered to Mr. Clinton, but declined—Project of a State Road through the southern tier of counties, and appointment of Commissioners to designate the route—Charles G. Haines appointed Adjutant General, and Dr. Barstow elected Treasurer—Tour of Gov. Clinton through Ohio and Kentucky—Death of Judge Skinner, and appointment of Alfred Conkling as his successor—Canal Celebration—November Election—Francis Granger—Theodore Sill—Samuel L. Lush—Aaron Vanderpoel—Levi Beardsley—Freeborn G. Jewett—Success of the Anti-Clintonians—John W. Taylor elected Speaker of the House of Representatives—Legislature of 1826—Nathan Sanford elected a Senator in Congress—Understanding between Gov. Clinton and Mr. Van Buren's friends, with reference to the support of Gen. Jackson for the next Presidency—Samuel Jones appointed Chancellor—Election of State Officers—Azariah C. Flagg appointed Secretary of State—Restoration of Mr. Keyser to the office of Treasurer, and re-election of the other incumbents—Charges against Mr. Ward, of the Senate, and his resignation—Proposed amendments to the Constitution, in relation to the Right of Suffrage, and the election of Justices by the People—Indefinite postponement of the State-road bill—John Bird-sall appointed Circuit Judge—Death of Adams and Jefferson—Samuel R. Betts appointed to succeed Judge Van Ness—The two State Conventions—Dewitt Clinton and Henry Huntington nominated by the Clintonians, and Judge Rochester and Nathaniel Pitcher by the opposition—1826.

THE November election resulted in the complete overthrow of the Republican ascendancy in the State.

Powerful efforts were made to induce the friends of an Electoral law to sustain Col. Young, who was pledged in favor of the measure ; and his well known preferences for Mr. Clay, as the candidate for the next Presidency, which were avowed previous to the Utica Convention, in a letter written to Mr. Hudson, a member of the Assembly from Madison county, and repeated in a letter dated on the 29th of September, and addressed to Jesse Clark, a Senator from the Seventh District, were also taken advantage of, to promote his election ; but all these exertions were made in vain. They utterly failed of withdrawing any very considerable number of the honest advocates of a change in the mode of choosing electors, from the support of Mr. Clinton, and a portion of Mr. Crawford's friends either remained inactive, or refused to vote for Col. Young. The whole number of votes cast for Governor was one hundred ninety thousand five hundred and forty-five. The majority for Dewitt Clinton was sixteen thousand three hundred and fifty-nine. The vote for Mr. Tallmadge was still larger than that given to Mr. Clinton. In the county of Tompkins, the majority for Col. Young was two hundred and thirty-two ; while Gen. Root received but three votes out of nearly four thousand. The whole majority for Gen. Tallmadge in the State, was thirty-two thousand four hundred and nine.

The terms of service of the following Senators expired this year, viz : Walter Bowne, John Sudam, Edward P. Livingston, Melancthon Wheeler, Alvin Bronson, Farrand Stranahan, Byram Green, and David Eason ; and their places were supplied by the

election of Cadwallader D. Colden, in the First Senatorial District ; Wells Lake, in the Second ; Richard McMichael, in the Third ; John Crary, in the Fourth ; George Brayton, in the Fifth ; Stukely Ellsworth, in the Sixth ; John C. Spencer, in the Seventh ; and Samuel Wilkeson, in the Eighth. Mr. Lake and Mr. Ellsworth were elected on the regular Democratic, or Regency ticket : all the other persons chosen were Clintonians. Mr. Green, the only one of the seventeen Senators re-nominated, was defeated by Mr. Spencer, by an overwhelming majority. More than three-fourths of the members of Assembly elect were opposed to what was termed the Regency party. The most prominent individuals chosen were, John W. Hulbert, of Cayuga ; Samuel J. Wilkin, of Orange ; Ambrose L. Jordan, of Columbia ; Samuel Stevens, of Washington ; and Thurlow Weed, of Monroe.

The Legislature of 1824, re-assembled according to law, for the purpose of choosing electors of President and Vice President, on the 2d of November ; and on the ensuing day, a caucus of the Republican members was held, in order to designate the candidates to be supported. Gen. Root officiated as chairman, and refused to allow the names of those members who joined in recommending the Utica Convention to be called. The consequence was, that the meeting broke up in confusion, without any definite action. On the 10th day of November, the Senate nominated electors friendly to Mr. Crawford, by the votes of the seventeen Senators who had postponed the Electoral bill. The electoral tickets friendly to Mr. Adams and Mr. Clay, received each seven votes. In the House, the

choice of electors was attended with more difficulty. On the first ballot, the Adams ticket received fifty votes ; the Crawford ticket, forty-three ; and the Clay ticket, thirty-two ; but an agreement was afterwards entered into between the Adams and Clay men, in pursuance of which a ticket was formed, composed of the friends of both candidates. Upon a joint ballot of the two houses, thirty-two of the Adams and Clay electors were declared chosen. A second ballot was thereupon had, and the number was completed by the choice of four Crawford electors. This result was produced by the defection of a portion of the Adams men, who were fearful that Mr. Clay would receive more votes than their own candidate. It was already known that there would be no election by the people, and that Gen. Jackson and Mr. Adams would be the two highest candidates. The only real contest, therefore, was, whether Mr. Crawford or Mr. Clay should be the third candidate before the House of Representatives ; and the fear that Mr. Clay might eventually be chosen, induced several of the Adams men in the Legislature to vote for the Crawford electors. These four electoral votes, in the end, decided the contest, as between Crawford and Clay, in favor of the former.

Complaint was made to the Legislature before its adjournment, that corrupt means had been employed at the winter session, to procure the charter of the Chemical Bank in the city of New-York. A committee of investigation was appointed, who examined into the testimony adduced in support of the charges preferred ; and their report clearly established the fact, that the same barefaced and wanton corruption that



attended the legislation of 1812, had been repeated, if possible, in a more aggravated form.

In order to forestall the action of the succeeding Legislature, and to retain the official patronage of the State in the hands of the opponents of Mr. Clinton, laws were passed at the extra session, providing for the revision of the laws of the State in conformity with the repeated suggestions of Gov. Yates, and declaring that all civil officers who were or should thereafter be commissioned and enter upon the execution of their official duties, should continue to discharge the same, notwithstanding the expiration of the time for which they were chosen, until they were duly appointed and qualified. Doubts as to the constitutionality of the last mentioned law were raised by the minority, but it was generally acquiesced in, and still remains in force. The individuals selected to revise the laws, were James Kent, Erastus Root, and Benjamin F. Butler. A law was also passed, authorizing the Inspectors of Election to provide three boxes at the next annual election, which should be respectively labelled, "By Districts"; "By general ticket, plurality," and "By general ticket, majority," in order to obtain an expression of opinion from the electors of the State, as to the manner in which an Electoral law should be framed. On the third day of November, Abraham Keyser, of Schoharie, was appointed Treasurer of the State, in the place of Mr. Knower, resigned.

The next annual session of the Legislature commenced on the 4th day of January, 1825. Clarkson Crolius was almost unanimously elected Speaker of

the Assembly, and Horatio Merchant was chosen Clerk. The Governor's Message was a well-written, but lengthy document. He recommended the passage of an Electoral law, providing for the choice of electors by general ticket, and by a plurality of votes ; and that the Constitution should be amended by removing the restrictions on the exercise of the right of suffrage by the white male citizens of the State, and authorizing the people of the respective towns to elect their Justices of the Peace. He also advised extensive additions to the public works of the State, and the creation of a Board of Internal Improvements to manage and superintend them. The message concluded with the following appropriate allusion to the change made in the appointing power by the new Constitution :

“ The patronage once vested in a Council of Appointment is now diffused ; and political power, which, under the former order of things, was, in many respects, concentrated in petty aristocracies, and wielded by factious combinations, has been, in a great measure, restored to its authentic source, the great body of the people. That abolition, and that restoration, have dissolved the union between personal interest and political subserviency. The people rising in the majesty of their power above the debasing trammels of names, and the obnoxious dictations of combinations, have sustained and vindicated a system of disenthralled and independent suffrage.”

On canvassing the returns from the electoral colleges, it appeared that Gen. Jackson had received nine-nine votes for President ; John Quincy Adams, eighty-

four; William H. Crawford, forty-one; and Henry Clay, thirty-seven. After this announcement, it was supposed, by men of all parties, that the election in the House of Representatives would result in the choice of Gen. Jackson. The health of Mr. Crawford, who had been afflicted with a severe paralytic attack, was regarded as a complete bar to his success; but Mr. Van Buren, and a large number of his friends, were determined not to abandon him, in any event. A meeting of the Crawford members of the New-York delegation, was held before the election in the House, at which they decided, with great unanimity, to adhere to their candidate to the end, "and leave the election to be made by others." Gov. Clinton was quite confident that Gen. Jackson would be the successful candidate, and, in anticipation of this result, he directed his friend, Mr. Hammond, who visited Washington in the winter of 1824-5, as the agent of the State in the settlement of its accounts with the General Government, to say to the General, that he could not accept any appointment that would render it necessary for him to leave the State, and that he desired the new Cabinet to be formed without any reference to him. It was generally understood, at this time, that in the event of the election of Gen. Jackson, the office of Secretary of State would be tendered to Mr. Clinton; but it is highly probable that the latter would have declined it, as he always manifested a great reluctance to sacrificing the first office in the State, for a secondary position under the General Government. The Crawford men in the House of Representatives were extremely anxious to prevent

a choice on the first ballot, but the influence and exertions of Henry Clay prevented this result, and secured the election of Mr. Adams, who received the votes of thirteen States. The delegation from the State of New-York were divided as follows : For *Adams*, Messrs. Adams, Cady, Hayden, Herkimer, Lawrence, Marvin, Martindale, Rose, Sharpe, Storrs, Strong, Taylor, Tracy, Van Wyck, Van Rensselaer, Williams, Wood, and Woods ; for *Crawford*, Messrs. Cambreleng, Clark, Collins, Day, Dwinell, Eaton, Foote, Frost, Hogeboom, Jenkins, Litchfield, Richards, Ten Eyck, and Tyson ; for *Jackson*, Messrs. Craig and Morgan.

It became evident, soon after the commencement of the session of the New-York Legislature, that Gen. Tallmadge, and Messrs. Ogden, Burrows, Gardiner, and other leading members of the People's party, were determined to thwart the wishes of Gov. Clinton, and embarrass his administration, whenever an opportunity presented itself. The "high-minded Federalists," also, who were mostly Adams men, were very willing to unite in any movement of that kind. Their feelings toward Mr. Clinton, were exhibited this winter, in defeating the election of Judge Spencer, to succeed Rufus King in the United States Senate, whose term of service expired on the 4th of March, 1825. Mr. King had declined a re-election, on account of his advanced age, and the Clintonians were generally desirous of bestowing the office on the late Chief Justice. In order to defeat his election, the People's men in the Senate, united with the Crawford Senators, in preventing a nomination by that body. The first day of Feb-

ruary was fixed, by law, for the choice of Senators in Congress. On that day, Ambrose Spencer was nominated in the Assembly, by a vote of seventy-seven to forty-five. In the Senate, a pretended attempt was made to nominate, with the following result: *Mr. Spencer* was nominated by Messrs. Brayton, Clark, Colden, Cramer, Crary, McIntyre, McMichael, Morgan, Spencer, and Wilkeson; *Gen. Tallmadge*, by Messrs. Burt and Lynde; *Edward P. Livingston*, by Messrs. Dudley and Mallory; *Victory Birdseye*, by Messrs. Earll and Wright; *Samuel Young*, by Messrs. Ellsworth and Haight; and *John W. Taylor*, by Messrs. Gardiner and Ogden. The remaining Senators, viz: Messrs. Bowman, Burrows, Greenly, Keyes, Lake, Lefferts, McCall, Redfield, Thorn, Ward, and Wooster, voted each for a separate candidate. After the result had been declared, Mr. Wilkeson offered a resolution, declaring Ambrose Spencer to be the candidate duly nominated on the part of the Senate, which was lost—ayes eleven, nays twenty. Mr. Wilkeson then offered a similar resolution, containing the name of Gen. Tallmadge, which was laid on the table, on motion of Mr. Redfield—ayes nineteen, nays twelve. Another resolution was offered by the same gentleman, declaring Samuel Young nominated by the Senate, which was laid on the table, on motion of Mr. Wright—ayes twenty, nays eleven. At this stage of the proceedings, a message was received from the Assembly, stating that they would forthwith meet the Senate, to compare nominations; whereupon Mr. Wilkeson moved that the Senate proceed openly to nominate a United States Senator, which was carried.

The result of the second attempt to nominate was the same as the first, except that Mr. Burt voted for Ambrose Spencer; Messrs. Colden, Cramer, and Spencer, for Gen. Tallmadge; and Mr. Redfield voted with Mr. Thorn, for Joseph C. Yates. A resolution was then offered by Mr. Wilkeson, nominating John W. Taylor, which was lost—ayes nine, nays twenty-two; and the Senate immediately adjourned.

The Constitution of the United States provides, "that the Senate shall be composed of two Senators from each State, chosen by the Legislature thereof;" and by the law of this State, as it existed in 1825, it was necessary that the Senate and Assembly should each openly nominate one person for the office of Senator in Congress, after which the two houses were to meet and compare nominations; if the nominations agreed, the person so nominated was to be declared appointed; but if they disagreed, it was provided that the election should be made in joint ballot of the Senators and members of Assembly. The palpable evasion of this law, by the majority in the Senate, could not be justified, except on party grounds. Various pretences were offered, as excuses for their course; and, among others, it was said that Judge Spencer was not the choice of a majority of the people, and, therefore, ought to be defeated. Although this may have been the truth, still, neither branch of the Legislature had the right to assume it to be the fact, as the cover for an open violation of a positive law; and the very Senators who defeated the nomination, or their friends on their behalf, afterwards offered another reason, which was totally inconsistent with that previously

rendered, viz : that they could not conscientiously agree upon a particular candidate. This plea, if possible, was still more groundless than the first, because the facts and circumstances all go to show that the votes in the Senate were given in pursuance of a secret understanding. It is probable that the friends of Judge Spencer would have pursued a similar course, had the situation of things been reversed, as their feelings toward the Crawford men and Gen. Tallmadge were peculiarly bitter and vindictive ; but this is no justification of the indefensible conduct of those Senators who prevented an election. The real causes of the defeat of Mr. Spencer were these : the Crawford men were opposed to him, because he was friendly to Mr. Adams, and had so avowed himself in a letter to Mr. St. John, a member of the Assembly from Montgomery county : The supporters of Gen. Tallmadge imagined that *he* might be appointed, by joint resolution, in case no election was made on the day provided by law : A portion of the Adams men approved of the course pursued by the majority in the Senate, for the reason that they could not concur in any thing connected with Mr. Clinton ; and another portion, among whom was Thurlow Weed, an active member of the House, from Monroe county, took the same ground, in the hope that the Legislature would finally unite on Albert H. Tracy, of Buffalo, who had been elected a Representative in Congress, by the Clintonian party, and had voted for Mr. Adams. The divisions and dissensions which had grown out of the Presidential question were sensibly felt at Albany, during the whole session. Mr. Van Buren, and the

other Crawford men, were already determined on opposing the administration of Mr. Adams, and supporting Gen. Jackson as the candidate for the succession. Mr. Clinton and his immediate friends were disposed, for the present, to keep on good terms with Mr. Adams, but they coincided with the Crawford party as to his successor. A large majority of the Clintonians, and a number of the old Bucktails, in the State, were, nevertheless, zealous Adams men. The People's party were nearly equally divided on the Presidential question. Among so many factions, therefore, it was almost a matter of impossibility to propose any party measure that would receive the support of a majority.

On the 25th day of February, the Senate passed a joint resolution, by a vote of eighteen to ten, declaring Albert H. Tracy to be duly elected a United States Senator. The Assembly refused to concur in this resolution, on the ground that that mode of appointing a Senator was contrary to an existing law of the State, which remained in force until properly repealed. This reason, offered by the majority in the House for refusing to pass the joint resolution, was as destitute of foundation as the excuses previously made in behalf of the Senators who had opposed the nomination of Judge Spencer. The sanctity of the law was regarded as little upon the one side as on the other; and if the name of Ambrose Spencer had been inserted in the joint resolution, instead of that of Mr. Tracy, there would not have been a dissenting voice on the part of his friends in the House. The truth is, all the different factions in the Legislature appeared to



act entirely from party motives; and, in this view of the case, those who succeeded in carrying out their projects, were no more deserving of censure than those who were defeated. Another resolution was offered in the Senate, on the 25th of March, providing for the appointment of Gen. Tallmadge as a Senator in Congress. This resolution was also passed, by a vote of eighteen to ten. Mr. Wright and the Crawford men voted in favor of both resolutions, but it is probable that they were perfectly willing no choice whatever should be made. The last resolution from the Senate was laid on the table, in the House, until the 1st day of April, when Mr. Wilkin offered the following substitute, which was adopted—sixty-one to twenty-nine:

“*Resolved*, That although this House repose confidence in the integrity and talents of the Hon. James Tallmadge, they deem it most safe and expedient, and most congenial with the principles of our Government, to adhere to that mode of appointment prescribed by the existing law of this State; and do, therefore, not concur in the resolution of the honorable, the Senate.”

The latter part of the foregoing resolution, was perfectly just and proper in theory, but, in all probability, it would have remained entirely theoretical, had “the honorable the Senate” chosen to insert some name acceptable to the majority in the House, in the place of Gen. Tallmadge. In another respect was the resolution deserving of censure: its commencement was manifestly untrue, because it conveyed the idea that the House, in the absence of the violation of

law complained of, would have been willing to concur in the election of Mr. Tallmadge. Now this was certainly not the case: the majority in the House were opposed to Mr. Tallmadge, and to the election of any person, except their own original candidate. If this had not been so, it would have been an easy matter to repeal "the existing law," and provide in some other way for the election of a Senator. But, in point of fact, the majority in neither House were prepared to support the man nominated by the other; and for that reason no legislation was had on the subject.

On the 18th of February, Mr. Adams signified his desire to appoint Mr. Clinton Minister to England, and the Governor's friends, Stephen Van Renselaer and Thomas Addis Emmett, urgently pressed him to accept it. Another portion of his adherents, who were dependent upon him for official patronage, insisted that it was the intention of Mr. Adams to send him abroad, in order that he might be out of the way at the next Presidential election; and it is altogether likely that Gov. Clinton himself did not feel willing to leave the country at this critical condition of political affairs in the State and nation.

On the 25th of February, the Governor addressed a letter to Mr. Adams, thanking him very kindly for his generous offer, but respectfully declining the appointment. The mission was afterwards tendered to Rufus King, who accepted it.

Among the recommendations made by Gov. Clinton in his annual message, was the construction of a State road from the Hudson river to lake Erie, through

the south-western tier of counties. Various meetings were held in the section of the State to be benefitted by the road, and a convention of delegates and citizens was held in Albany, on the 25th of February, at which measures were taken to sustain an application to the Legislature, and carry the project into effect. A law was accordingly passed, authorizing the appointment of three Commissioners to survey the route of the proposed road; and Nathaniel Pitcher, Jabez D. Hammond, and George Morell, were subsequently nominated as such Commissioners, by the Governor, and confirmed by the Senate.

Mr. Fuller resigned the office of Adjutant General, shortly after the inauguration of Gov. Clinton, and Charles G. Haines was appointed as his successor. Mr. Haines filled the office but a short time, as he died on the 3d day of July following. Doct. Barstow, of Tioga, was elected Treasurer of the State, during the session of the Legislature, in the place of Mr. Keyser. No other appointments to office, of general importance, were made this winter.

Gov. Clinton visited Philadelphia, after the adjournment of the Legislature, and partook of a public dinner, at which he was highly complimented; and in the summer of 1825, he visited Ohio and Kentucky, in company with Alfred Conkling, of Albany, and other distinguished citizens of the State, for the purpose of inspecting the public works in progress. His reputation as the originator of the New-York system of internal improvements, had already preceded him, and he was every where received as a public benefactor, and greeted with the most flattering testimo-

nials of respect and esteem. Roger Skinner died soon after Mr. Clinton's return from the West, whereupon, the office of District Judge for the Northern District of this State, became vacant. William A. Duer was a candidate for the office, but the nomination of Mr. Conkling was urged by Gov. Clinton, Gen. Van Rensselaer, and others, and promptly made by President Adams. This appointment was not satisfactory to the Adams men who were opposed to Mr. Clinton, nor to the friends of Mr. Duer; and the New-York American, which was edited by one of the "high minded Federalists", denounced the selection in harsh and unmerited terms. The Judiciary Committee in the Senate, of which Mr. Van Buren was Chairman, reported in favor of confirming the nomination, and the Senate sustained the report by nearly a unanimous vote. Whatever feelings may have been excited by this appointment, they must have been soon dissipated, by the urbanity and attention to business, which have uniformly characterized Judge Conkling since he has occupied his present station.

The completion of the Erie and Champlain canals was celebrated on the 2d day of November, by the discharge of cannon, placed at intervals along the whole line from lake Erie to the Hudson river. In the city of Albany the ceremonies were particularly interesting, and the Governor and Canal Commissioners were appropriately addressed by Philip Hone, on behalf of a Committee from the city of New-York.

While Gov. Clinton was enjoying this tribute paid to his sagacity and foresight, his political opponents were very active in their preparations for the fall

election. Mr. Van Buren and his friends earnestly appealed to the members of the old Republican party, to re-unite in opposing the Federal tendencies, which were said to be gaining ground in the country, but they carefully avoided any open interference with the Presidential question. The Clintonians were completely taken by surprise, when it appeared from the official returns that a large majority of the members of Assembly chosen by the combined forces of the Adams and Crawford men, were opposed to the State administration. The Senators whose terms of office expired this year, were Messrs. Lefferts, Thorn, Dudley, Cramer, Greenly, Lynde, Clark, and Redfield. Their successors were Joshua Smith, elected in the First District; Peter R. Livingston, in the Second; Ambrose L. Jordan, in the Third; John L. Viele, in the Fourth; Charles Stebbins, in the Fifth; Peter Hager, 2d, in the Sixth; Truman Hart, in the Seventh; and Ethan B. Allen, in the Eighth. Messrs. Livingston, Stebbins, and Hager, were elected by the opposition; and the other Senators were Clintonians. The most talented members of the House elected by the Clintonians, were Francis Granger, of Ontario, Theodore Sill, of Oneida, Samuel S. Lush, of Albany, and Aaron Vanderpoel, of Columbia. On the other side, were Gen. Root and Col. Young, Stephen Allen, of New-York, Levi Beardsley, of Otsego, Freeborn G. Jewett, of Onondaga, and Messrs. Cowles, of Putnam, Bucklin, of Jefferson, and Woodcock, of Tompkins.

At the session of Congress, commencing on the first Monday of December, 1825, John W. Tayler, of New-

York, was chosen Speaker of the House of Representatives, on the second ballot. The principal competitors for the office were John W. Campbell, of Ohio; Louis McLane, of Delaware, and Andrew Stevenson, of Virginia.

The Legislature of this State convened on the 3rd day of January, 1826. Col. Young was elected Speaker, by a vote of sixty-five, to fifty-four in favor of Stephen Allen. Mr. Allen was of the same political sentiments with Col. Young, but was supported by the Clintonians for the Speakership, contrary to his own expressed wishes, for the reason that he had been the opposing candidate to Col. Young, in the Caucus, and with a view of creating a division in the opposition ranks. Edward Livingston was chosen Clerk of the House. The Governor recommended, in his message, the improvement of the Common School system of the State, and the establishment of a seminary for the instruction of teachers; and again urged upon the Legislature the importance of constructing a State Road through the south-western tier of counties. Almost the first business of the session was the choice of a United States Senator. A bill was introduced providing for the election, according to the existing law, which Mr. Ogden proposed to amend, by substituting a resolution to designate the candidate in each house, instead of an open nomination. The amendment was voted down, and the original bill adopted. Mr. Wright, and the other Senators, who had taken the position at the preceding session, that the Senate possessed equal power with the House in case of a disagreement, opposed the amendment, but voted in favor of the bill. Nathan Sanford

was designated as the candidate for Senator at a Legislative caucus, and after resigning his office as Chancellor, was almost unanimously elected to succeed Mr. King.

Early in the session of 1826, it was understood between Mr. Clinton and the friends of Mr. Van Buren in Albany, that the latter would support Gen. Jackson for the next President. Various consultations and conferences were held by the Governor, and Mr. Knower, the confidential agent of the leading Crawford men, who were termed by their opponents, the Albany Regency. Both Mr. Clinton and Mr. Van Buren occupied a peculiar position with reference to the Presidential question, and it was necessary to move with great caution. The former was at the head of the Clintonian party, three-fourths of whom, notwithstanding the well known preferences of their leader, were inclined to sustain Mr. Adams; and the latter represented the Bucktails, who were nearly equally divided as between Adams and Jackson. No open coalition was formed between Clinton and Van Buren, and they ostensibly maintained the positions they had for sometime occupied. Nevertheless, a tacit friendly understanding was undoubtedly preserved between the Governor and the friends of Mr. Van Buren, from this time forward, up to the death of the former gentleman. In the winter of 1825, Ebenezer Baldwin, a very warm friend of Mr. Clinton, was nominated by him to the office of Recorder of the city of Albany, and promptly confirmed by the votes of Mr. Van Buren's friends in the Senate. The Recordership again became vacant, during the session of 1826, by the resig-

nation of Mr. Baldwin. Gov. Clinton nominated James McKown, another of his personal friends, and the present incumbent of the office, whom the Senate confirmed. The vacant office of Chancellor was conferred on Samuel Jones, of New-York, who was a relative of Mrs. Clinton. This nomination was confirmed without the usual formality of referring it to a committee.

The election of State officers was held in February of this year. Mr. Yates, the Secretary of State, had been an active People's man, and was a decided friend of Mr. Adams. Mr. Colden, Mr. Viele, and other Clintonian Jackson men, in the Legislature, were willing that there should be a change in the office, and the Crawford party gladly availed themselves of the opportunity to reward one of their friends. At the preliminary caucus, Azariah C. Flagg, the present Comptroller of the State, who was at the head of the opposition to the Electoral law in the Assembly of 1826, was nominated as the candidate for Secretary of State, and Abraham Keyser for Treasurer, in the place of Doctor Barstow. The other State officers were nominated for re-election. The appointments were made in the Legislature on the 14th day of February. Mr. Flagg received nineteen votes in the Senate, and Mr. Yates eight; in the House, sixty-two votes were given to the former, and twenty-seven to the latter. Mr. Keyser was elected by nearly the same majority over Dr. Barstow. Mr. Marcy was re-elected Comptroller; Mr. Talcott, Attorney General; Mr. Muir, Commissary General; and Simeon Dewitt, Surveyor General.

On the first day of the session of 1826, Jasper Ward, a Senator from the First District, called the attention of



the Senate, in a written communication, to the fact, that charges had been made in the New-York American and the Evening Post, during the recess, imputing to him dishonorable and corrupt conduct, in procuring the incorporation of the Chatham and Ætna Insurance Companies, at the previous session; and with a view of "preserving the integrity of the Senate," and "vindicating his reputation," as Mr. Ward alleged, he desired that an official inquiry should be immediately made. Mr. Wright, from the Select Committee of Investigation, presented a report on the 25th of February, establishing the charges made against Mr. Ward, beyond cavil or doubt, and concluding with a resolution for his expulsion. Before any definite action on the resolution, Mr. Ward resigned his seat in the Senate.

Mr. Spencer made a report from the Committee on Literature, in favor of carrying out the views of the Governor in relation to the Common School system, and introduced a bill providing for the education of teachers, and the increase of the fund in order to defray the contemplated expenditure. The passage of the bill was urged by Mr. Spencer, but it failed of becoming a law.

Resolutions for the amendment of the Constitution, so as to extend the right of suffrage, and to give the election of justices of the peace to the people, were adopted at this session, in pursuance of the repeated recommendations of the Governor. Gen. Root opposed them in the Assembly, as he had previously done in the Convention of 1821, but Col. Young, and his other supporters on that occasion, took the opposite side.

The resolution for the election of justices was adopted in the House, by one hundred and seven ayes, to four nays, and the suffrage amendment was also sustained by a strong vote.

The committee appointed to designate the route of the proposed State road from Lake Erie to the Hudson, made their report on the 29th day of March, recommending the construction of a road about four hundred miles in length, which, it was estimated, would cost not far from two thousand dollars per mile. A protracted and animated discussion arose on the feasibility of this work. A strong party had grown up in the State, and in the Legislature, which was composed of the friends of the Erie and Champlain canals, who appeared to be determined in preventing the prosecution of any public work that could possibly interfere with those to which the counties they represented were so largely indebted for their increasing wealth and prosperity. Col. Young, Mr. Granger, and Mr. Sill, opposed the bill for constructing the road; and Gen. Root, Mr. Vanderpoel, Mr. Conger, and Mr. Woodcock, advocated its passage. The debate on this question was finally ended, by the indefinite postponement of the bill. The vote on the motion to postpone, stood fifty ayes and forty-eight nays. Of the majority, all but fifteen resided in counties lying upon or near the Erie and Champlain canals. There were twenty-eight members absent, thirteen of whom were in favor of constructing the road.

Judge Rochester, of the Eighth Circuit, resigned his office while the Legislature was in session, in con-

sequence of his being appointed Minister to the Congress of Panama. The Van Buren, or Crawford party, in the Legislature, were quite anxious that the vacant Judgeship should be bestowed on Heman J. Redfield, one of the seventeen Senators who had voted to postpone the Electoral bill at the session of 1824. Gov. Clinton could not be brought to consent to the nomination of Mr. Redfield, although he was well qualified for the station. Had the Governor consulted his own personal feelings, it is probable that he would have made the nomination, with a view of preparing the friends of Gen. Jackson, in both parties, for the union that was already in contemplation; but the strong prejudices in the Eighth District, where the Clintonians were more numerous than in any other portion of the State, against the opponents of the Electoral law, induced him to refuse a compliance with the wishes of Mr. Van Buren's friends. In order to gain time for further reflection and consultation, Albert H. Tracy was nominated to the vacant office, and confirmed by the Senate, in the expectation that he would decline the appointment, as eventually proved to be the case. It was then expected that Mr. Redfield would receive the nomination; and the Crawford men again urged his name, and insisted that something must be done in order to bring a majority of the Bucktails to consent that no candidate should be brought forward in opposition to Mr. Clinton at the next election. The Governor, on the other hand, argued that the appointment of Mr. Redfield would displease his friends in the Eighth District, and that it was necessary for him to preserve his strength in that quarter. Some little feeling was pro-

duced between the parties to these transactions, and the Senate successively rejected the nominations of Moses Hayden and Ashley Sampson, for the office of Circuit Judge. Toward the close of the session, the Governor sent in the name of John Birdsall, a moderate Clintonian, who was confirmed.

Before the adjournment of the Legislature, each of the two parties held a caucus, and recommended a State Convention; that of the Clintonians was appointed to be held at Utica, on the 21st of September; and that of the Bucktail, or Democratic party, was directed to convene at Herkimer, on the first Wednesday in October.

At the close of the session, resolutions were passed in the two houses, complimentary to the respective presiding officers. Gen. Root alone opposed the resolution in the Assembly, on account of a difficulty that had arisen between Col. Young and himself, in relation to the appointment of the committee on the bill authorizing the construction of a State Road. These two gentlemen never acted cordially together after this session.

John Adams and Thomas Jefferson, one the advocate, and the other the author, of the Declaration of Independence, died on the 4th day of July, 1826.

William P. Van Ness, Judge of the United States District Court for the Southern District of New York, died on the 6th day of September. The vacancy in this office was afterwards filled by the appointment of Samuel R. Betts, Circuit Judge of the second judicial Circuit of this State. Mr. Betts was succeeded by James Emott, of Dutchess county.

The friends of Gen. Tallmadge, who had been abandoned by the Anti-Clintonian party, on their restoration to power in the Legislature, attempted to create an interest in favor of his re-nomination for the office of Lieut. Governor, previous to the Utica Convention, but their efforts were wholly unsuccessful. The proceedings of the Convention were entirely harmonious. Mr. Clinton was re-nominated without a dissenting voice, and Henry Huntington, of Oneida, was selected as the candidate for Lieutenant Governor. Gen. Van Cortland, of Westchester, officiated as President of the Convention, and Samuel Stevens and Simon G. Throop were the Secretaries.

The Herkimer Convention met on the 4th day of October, and organized by the appointment of James L. Hogeboom as President, and David E. Evans and Edward Livingston, as Secretaries. Mr. Van Buren and his friends, as has been stated, were not desirous of making a nomination in opposition to Mr. Clinton, but, as they dare not commit themselves openly against Mr. Adams, they were compelled to give way before the strong expression in the Convention. Judge Rochester received 103 votes for Governor, and Nathaniel Pitcher 98 for Lieutenant Governor; whereupon both gentlemen were declared regularly nominated. The Van Buren men in the Convention did not make any very serious efforts to prevent the nomination of Mr. Rochester, although he was one of the most zealous friends of Mr. Adams in the State. The selection of the Lieutenant Governor was a matter of more importance to them, as they confidently anticipated that Mr. Clinton would be re-elected and they were desirous of

maintaining their ascendancy in the Legislature. Mr. Pitcher was accordingly fixed upon, through their instrumentality; and the fact that he had been one of the Commissioners for the Survey of the State Road, and had recommended its construction, was a sufficient argument to secure his nomination.

## CHAPTER XIII.

1826—Course of the Crawford men in relation to Judge Rochester—Re-election of Dewitt Clinton—The Clintonian candidate for Lieutenant Governor defeated—Details of the November Election—Robert Bogardus—Truman Enos—William M. Oliver—Charles H. Carroll—Abduction and murder of William Morgan—Progress of the Anti-Masonic excitement—Attempt to nominate Judge Rochester as United States Senator, in the place of Mr. Van Buren—Session of the Legislature in the winter of 1827—Message of Gov. Clinton—The Genesee Valley, Crooked Lake, Black River, and Chenango Canals—Position of Gov. Clinton, Col. Young, and Mr. Marcy, in relation to the construction of the lateral Canals—The Chenango Canal bill passed in the House, but defeated in the Senate—The State Road question—Re-election of Mr. Van Buren—Movements of the Clintonian Jackson men—Mr. Keyser re-elected Treasurer—James Emott appointed Judge of the Second Circuit—Revision of the Laws of the State—Daniel Moseley—Alonzo C. Paige—Francis Granger—State and National Conventions of the friends of a Protective Tariff—Position of parties in relation to the system of Protection—Extra session of the Legislature in September—Political prospects of Gen. Jackson—The Presidential question—Movements of the Bucktail party in New-York—November Election—Moses Warren—Nathaniel S. Benton—George B. Throop—Nathaniel P. Tallmadge—Robert Monell—Ogden Hoffman—Nathan Dayton—Robert C. Nicholas—Ezra C. Gross—Luther Bradish—Andrew Stevenson elected Speaker of the House of Representatives, over John W. Taylor—The Albany Morning Chronicle—Annual session of the Legislature—Resolutions in favor of Protection—Death of Dewitt Clinton—Mr. Van Buren as a politician—Reuben H. Walworth appointed Chancellor of the State, and Esek Cowen Circuit Judge—Caucus of the Jackson members of the Legislature—Gen. Porter appointed Secretary of War—National Republican State Convention—Nomination of Smith Thompson and Francis Granger—Anti-Masonic Convention—Mr. Granger declines the nomination tendered him by the Anti-Masons—Solomon Southwick and John Crary supported by the Anti-Masonic party—Jackson Convention—Martin Van Buren nominated for Governor, and Enos T. Throop for Lieutenant Governor—Disappointment of Mr. Pitcher—Resignation of Judge Woodworth, and appointment of William L. Marcy—1828.

Soon after the nominations had been made by the

two parties in the fall of 1826, it became evident that the contest would be much closer than was at first imagined. Mr. Van Buren and his friends did not desire to connect the election, in any respect, with the Presidential question; and it was not until Gen. Porter, and other influential Adams and Clay men in the Clintonian ranks, urged their friends to abandon the Governor, and support Judge Rochester, for the sole reason that he was friendly to Mr. Adams, that they began to be alarmed for the result. The defeat of Mr. Clinton, who, it was already well known, would exert his influence in favor of Gen. Jackson, must have marred all their plans, and disappointed all their expectations. A portion of the Crawford men foresaw this, and determined to prevent such a result at all hazards. Mr. Noah, of the New-York National Advocate, and others, came out in decided terms for Mr. Clinton and Mr. Pitcher; but the Albany Argus, and a majority of the Bucktail papers in the State, supported the Herkimer nomination in good faith. It has often been charged against Mr. Clinton and Mr. Van Buren, that prior to this election, an arrangement was made between them, by which, in the event of the success of Gen. Jackson, the former was to be made Secretary of State, and the latter the next Governor of New-York. If any such understanding existed, the unfortunate death of Mr. Clinton prevented it from being carried into effect; but the fact that Mr. Van Buren, and his more immediate personal friends, sustained Judge Rochester, with some apprehension, perhaps, but without hesitation or evasion, is pretty conclusive evidence that nothing of the kind ever occurred. It



is hardly in keeping with the character of Mr. Clinton, to suppose that he would have either accepted a subordinate position under the General Government, or entrusted the patronage of the State of New-York to those by whom it might have been wielded in such a manner as to destroy his hope of succeeding Gen. Jackson.

The election was closely contested, on the part of the Adams and Clay men who supported Judge Rochester, and many of Mr. Clinton's personal friends and adherents made great exertions to sustain their candidate ; but a large number of voters, from some cause or other, did not attend the polls. The whole number of votes polled for Governor was over one hundred and ninety-five thousand. Mr. Clinton received ninety-nine thousand, seven hundred and eighty-five, and Judge Rochester ninety-six thousand one hundred and thirty-five. The success of Mr. Clinton was entirely owing to the large vote he received in the south-western tier of counties, on account of his known predilections in favor of the State road. This is evident, from the fact that Mr. Pitcher, who had been so intimately identified with the project, also received a very strong vote in those counties, and was elected Lieut. Governor, over Mr. Huntington, the Clintonian candidate, by more than four thousand majority. The Bucktail party succeeded in electing a large majority of the members of Assembly ; and they also carried seven of the eight Senate Districts. The only Clintonian Senator elected, was Robert Bogaardus, in the First District, who succeeded Mr. Ward, and received the support of a large number of the

Jackson men in the opposition ranks. The remaining Senators chosen this year, were Benjamin Woodward, in the place of James Burt, in the Second District; John Mc Carty, in the place of James Mallory, in the Third; Duncan Mc Martin, Jr., in the place of Archibald Mc Intyre, in the Fourth; Truman Enos, in the place of Sherman Wooster, in the Fifth; Thomas G. Waterman, in the place of Isaac Ogden, in the Sixth; William M. Oliver, in the place of Jonas Earll, Jr., in the Seventh; and Charles H. Carroll, in the place of John Bowman, in the Eighth District. Charles Dayan was also elected to supply the vacancy occasioned by the resignation of Mr. Brayton, from the Fifth District, and Victory Birdseye, to serve the unexpired term of Mr. Morgan, from the Seventh District. The proposed amendments to the Constitution, providing for the election of Justices of the Peace by the people, and removing the restrictions on the right of suffrage, except citizenship, and a residence in the State for one year, and in the county for six months, were adopted by a large majority. Silas Wright, Jr., was chosen a member of Congress at this session, in the District composed of the counties of Jefferson, Lewis, Oswego, and St. Lawrence.

The abduction and supposed murder of William Morgan, by certain individuals belonging to the Masonic fraternity in the western part of the State, which took place in September, 1826, occasioned considerable excitement previous to the election. It was alledged against Gov. Clinton, who then occupied the highest Masonic station in this country, that as the High Priest of the General Grand Chapter of the United States,

he had been privy to the transaction, and had indirectly encouraged those who were concerned in it ; but as Judge Rochester was also a Mason, though of an inferior grade, this charge did not affect the election in any great degree. How far the knowledge of this outrage extended among the members of the Order, it is impossible for any one not connected with it to say ; but from the subsequent revelations made during the continuance of the excitement, and upon the trials of the persons charged with the commission of this grave offense, it is probable that the plot was conceived and carried into execution by a few individuals, and without the consent or approbation of any recognized power or authority in the society. The particulars of the transaction, as they were afterwards made public, are substantially these :

Mr. Morgan was a native of Virginia, and a Royal Arch Mason. His occupation was a Printer, and, in the summer of 1826, he took up his residence at Batavia. Early in the month of August, it became known to the members of the Masonic fraternity in the vicinity, that he was engaged in preparing a work divulging the secrets of Free Masonry, which was to be published by David C. Miller, also of Batavia. A spy was soon after placed over Morgan, by whom a portion of the manuscript was surreptitiously obtained. He was persuaded, however, by Mr. Miller and other friends, to persevere in the publication of the work. The Masons, finding that all their threats and inducements produced no effect, at length formed a conspiracy with their brethren in the western part of the State, to separate him from

those with whom he was connected, and who were continually persuading him to go on with his revelations. On the 11th day of September, persons from Lockport, ninety miles distant from Canandaigua, applied at Fort Niagara for a place of confinement for Morgan, and, on the morning of the same day, he was arrested in the village where he resided, on a warrant for petit larceny, issued by Jeffrey Chipman, a Justice of the Peace in Canandaigua, upon the oath of Ebenezer C. Kingsley. This warrant was placed in the hands of Nicholas G. Cheesebro, Master of a Lodge of Masons at Canandaigua, who appears to have been one of the most active agents in the business. Mr. Cheesebro proceeded to Batavia, with a Constable and three or four other individuals, and after arresting Morgan, returned with him to Canandaigua in the evening. On taking him before the Justice, the criminal charge was abandoned, and a civil suit instituted against him, on a demand of two dollars, in favor of Cheesebro, as the assignee of one Ackley. Morgan confessed judgment for that amount, and an execution was forthwith issued, which he offered to satisfy by giving up his coat to the plaintiff. This was refused, and he was taken directly to the county jail, and placed in confinement. Information was immediately sent to Rochester of the seizure, and on the evening of the following day Morgan was discharged from custody, at the instigation of the conspirators, and as he passed out of the jail was seized by them, and taken a few rods down the street, where they were overtaken by a carriage, which drove up in pursuance of a signal given by one of the number.

He was then gagged, and forcibly put into the vehicle, which drove away, at a rapid pace, in the direction of Rochester. The party reached the east end of the ridge road beyond that city, about sunrise, and got out at a place distant from any house. The driver of the carriage then left them, and, on his return, met another carriage coming from Rochester, in which Morgan and his abductors were taken to Lewiston, and from thence to Fort Niagara. He was then confined in the Magazine of the Fort for several days, during which time consultations were frequently held, as to the best mode of disposing of him, and he afterwards suddenly disappeared. Various opinions have been promulgated in relation to this affair, but it can scarcely be questioned that he was murdered, in order to prevent his revealing the secrets of Masonry; although it is highly probable that but a very small number of those concerned in the original abduction, were cognizant of the means by which he came to his end.

The excitement which grew out of this transaction, was almost without a parallel in modern history. The order of Free Masonry had flourished on the continent, and in this country, for a number of centuries. Although the account given by the craft, of its great antiquity, is undoubtedly fabulous, still the institution resembles, in many respects, the societies of a similar character known among the ancients, and especially the corporations of architects, which existed in Rome, under the name of *Collegia*, or *Corpora*, and subsequently spread over all Christian Europe. At the time of the abduction of Morgan, a very large

majority of the most talented and influential men in the country belonged to the Masonic fraternity, and a great proportion of the public offices, of every grade and character, were filled by its members. It was natural, therefore, that serious fears should be entertained lest the course of justice might be perverted, and the authors of this outrage shielded from the just punishment of their crime.

The whole community were seized with alarm, and it was said that the ramifications of the Masonic Order were so extensive, that its influence was felt in politics, in business, and in religion. The oaths and obligations of membership were published in divers forms, and circulated throughout the country. Books, pamphlets, and addresses, professing to give the secrets of the society, were lavishly distributed. Large and enthusiastic meetings were held, in different sections of the State, and every means resorted to, not only to ferret out the authors and instigators of the abduction, and bring them to punishment, but also to excite the public indignation, against an institution that was said to be so dangerous and pernicious in its tendency. The trial and conviction of several persons concerned in the abduction, so far from allaying the excitement, appeared only to give it additional strength and vehemence. In the spring of 1827, many of the town elections in western New-York were decided with reference to this question, and it was very soon found that those who were determined to destroy the institution of Free Masonry, could not express their sentiments, with so much force and effect, in any other way than through the ballot

box. A political organization was soon after formed, and, under the name of the Anti-Masonic party, it exercised an influence which is felt to this day in the politics of the State.

Judge Rochester left home soon after the fall election in 1826, to attend the Congress at Panama. He made only a temporary stay at Albany, when on his way to New-York, and appeared desirous of avoiding any confidential intercourse with the leading politicians then in the city. It was already understood, among the Adams men in the Democratic party, that his name would be brought forward at the ensuing session of the Legislature, as a candidate for the office of United States Senator, in the place of Mr. Van Buren. The friends of the latter gentleman were anxious that he should be re-nominated, and as it was feared that the Clintonians, and the Bucktail Adams men might unite on Judge Rochester, in order to secure the election of a friend to the National Administration, measures were forthwith set on foot to ascertain the intentions of the leading Clintonians. The result of the inquiries which were made, showed conclusively that even the Adams men in the Clintonian party were so much prejudiced against Mr. Rochester, that they would not support him, in any event. Gen. Porter and other influential friends of Mr. Adams, exerted themselves to counteract this feeling; and it is also said that the influence of Mr. Clay in this State was also put forth with the same object; but all their efforts failed of producing the desired object. Mr. Van Buren and his friends, in the meantime, were politic enough to avoid any open breach with the administration at Washington.

The Legislature of the State assembled on the 2d day of January, 1827. At the Democratic caucus, held on the evening of the 1st instant, there were three ballotings for a candidate for Speaker. The only contest, in fact, was between Gen. Root, who was supported by the State road interest, and David W. Bucklin, of Jefferson, who received the votes of the members friendly to the Erie and Champlain canals. On the third and last ballot, Gen. Root received thirty-nine votes, Mr. Bucklin thirty-two, and there were two scattering votes. Gen. Root was elected Speaker in the House, by forty-one majority over Francis Granger, the opposing candidate, and on being conducted to the Chair, he delivered a speech, in which he alluded, in a very unusual manner, to the fact that he was elected to the Legislature, and honored with the Speaker's Chair, by a political party, and stated that he should be actuated by party motives in appointing the Legislative committees. He also availed himself of the opportunity to assure his friends, that he was "not willing to put a child to nurse to be strangled," in allusion to Col. Young's course at the previous session, in appointing a committee on the State road, a majority of whose members were unfriendly to the project.

The Governor's message contained a flattering review of the financial condition of the State, and the canal policy. It appeared that the balance of debt due for the construction of the canals was nearly eight millions of dollars; that the nett revenue arising from the tolls during the preceding year, amounted to upwards of seven hundred thousand dollars; and



that the income of the funds pledged for the payment of the canal debt, would raise the total amount of revenue to more than one million of dollars. Accompanying this statement, showing the complete and triumphant success of his favorite measure, was an urgent recommendation in favor of the extinguishment of the public debt, as being "more beneficial in itself, and more animating in all its aspects and consequences, than any fugitive, or even permanent, advantage that *could* emanate from another course;" but, so far from manifesting a desire to carry this doctrine into practical effect, the Governor went on to advise the construction of a State road from Lake Erie to the Hudson, and several other roads and canals which would certainly have increased the State debt several millions of dollars. Gov. Clinton also called the attention of the Legislature, to the severe pecuniary embarrassments during the previous year, which had grown out of the sudden expansions and contractions of bank discounts, and suggested the propriety of remodelling the banking system of the State, in order to prevent the recurrence of similar evils.

Shortly after the commencement of the session, applications were made to the Legislature, urging the construction of the Genesee Valley, Crooked Lake, Black River, and Chenango canals. The citizens of Broome, Chenango, and Madison counties, were deeply interested in the last named project, and the members of the Legislature were constantly beset with the importunities of its friends. The proposed termination of the canal at Utica, also arrayed in its favor the influence of the county of Oneida, and from the num-

ber of different interests combined in support of the measure, it was thought advisable to make it the entering wedge for the other lateral canals in contemplation. Mr. Marcy, the Comptroller of the State, Col. Young, and a majority of the Canal Board, were opposed to the project, on the ground that the existing canal debt ought to be first extinguished; and that, if future improvements of that kind were to be made, nothing should be done until there was a surplus revenue from the canals, sufficiently large to discharge all the liabilities which it would become necessary to incur. This opposition of some of the leading friends of Mr. Van Buren, to the Chenango canal, formed the germ of subsequent divisions and dissensions in the Democratic party, as it was afterwards organized, in which what was then known as the Oneida interest, became to a certain extent hostile to those persons who were desirous of carrying out the financial policy advocated by Mr. Marcy, Col. Young, and others, in 1827. Mr. Granger, of Ontario, and Mr. Sill, of Onondaga, were very active in procuring the passage of the bill authorizing the construction of the Chenango canal, through the Assembly. Owing to their untiring exertions in behalf of the measure, it was finally carried, sixty to fifty-one. In the Senate, the bill met with a determined and effectual resistance; it was lost, by a vote of fourteen to ten.

A bill for constructing the State Road through the southern tier of counties, was reported by Gen. McClure, chairman of the committee on the subject, on the 12th day of January. When the bill was taken

up for discussion, Mr. Granger again opposed it with all his ability and eloquence. In the course of the debate, Gen. McClure attacked Col. Young, who had recently published a pamphlet on Political Economy, in which allusions were made to the State Road, and charged him with making extracts from a work by Dr. McVickar, one of the professors in Columbia College, without giving the proper acknowledgement. Mr. Young was defended in an able and spirited manner, by Mr. Mann, of Schoharie. The discussion was continued at intervals, until the middle of February, when the vote was taken on a motion to strike out the first section of the bill. The motion was carried, sixty-four, to forty-eight; nearly all of the members voting in the affirmative being residents of the counties lying contiguous to the Erie and Champlain Canals.

A meeting of the Clintonian Adams men, was held on the evening of the 26th of January, for the purpose of nominating a candidate for Senator in Congress. The Democratic Adams men were unwilling to come out openly against Mr. Van Buren, and that gentleman himself, had not thus far indicated any intention on his part to oppose the Administration. He, and his immediate friends, were extremely cautious about committing themselves on the Presidential question, until it was certain that a majority of the electors in the State, could be brought to the support of General Jackson. But two Adams men belonging to the Bucktail party, attended the Clintonian caucus, at which Stephen Van Rensselaer was duly nominated as the Adams candidate. The election was made by the Legislature, on the 6th of February; Mr. Van Buren re-

ceived a large majority in both houses. Messrs. Col-den, Bogardus, and Viele, of the Senate, and Messrs. Birdsall and Bryant, of the Assembly, all devoted friends of Mr. Clinton and Gen. Jackson, voted for Mr. Van Buren. This circumstance, and the tenor of that gentleman's reply to the customary notification of his re-election, were the first indications of the contemplated union of Mr. Clinton and his Jackson friends, with Mr. Van Buren and his supporters.

Mr. Keyser was re-elected Treasurer of the State on the 20th day of February, and on the 21st of the same month, James Emmott was appointed Circuit Judge of the Second Judicial Circuit, in the place of Samuel R. Betts, who had resigned the office in consequence of his appointment as District Judge of the United States for the Southern District of this State, to supply the vacancy occasioned by the death of Judge William P. Van Ness. Gen. Root had been superseded as one of the Revisers of the laws of the State, by an act of the Legislature, passed in 1825, and Henry Wheaton was selected in his place. The latter gentleman resigned in April of this year, after his appointment as Charge d'Affairs to the Court of Denmark, and John C. Spencer was appointed by Gov. Clinton to supply the vacancy.

The Legislature adjourned on the 17th of April, to meet again on the second Tuesday of September, in order to take up such portions of the Revised Statutes as might be reported by the Revisers. The debates in the two houses during the session, show very conclusively that there were but few men of talent elected in the fall of 1826. The most prominent

Senators chosen, were Mr. Bogardus, and Mr. Carroll. Messrs. Oliver, Waterman, Enos, and Birdseye, were also politicians of considerable experience, and of respectable talents. In the House, the Democratic party was represented by Gen. Root; Daniel Moseley, of Onondaga; Nathaniel P. Wardwell, and David W. Bucklin, of Jefferson; Baron S. Doty, of St. Lawrence; Alonzo C. Paige, of Schenectady; Alpheus Sherman, of New-York; John B. Skinner, of Genesee; and N. B. Cowles, of Putnam. On the Clintonian side were, Francis Granger, of Ontario; Gamaliel H. Barstow, of Tioga; Samuel Stevenson, of Washington; James Birdsall, of Chenango; Calvin H. Bryan, of Cattaraugus; and Messrs. Sill, of Onondaga, and Fish, of Montgomery.

On the 17th day of July, a State Convention was held at Albany, for the purpose of choosing delegates to attend a National Convention of the friends of a Protective Tariff, to be held at Harrisburgh, on the 30th instant. The tariff question had not at that time assumed a party character. Daniel Webster, and many of the leading Federalists, in 1820, and for a long time afterwards, had been opposed to a protective tariff, but the general sentiment in the Northern States, at this time, was in favor of the system. Among the distinguished men in the Albany Convention, were Isaac Pierson, and Peter Sharpe, of New-York; Jacob R. Van Rensselaer, Elisha Williams, and James Vanderpoel, of Columbia; Ambrose Spencer, and Benjamin Knowler, of Albany; and Samuel Young, of Saratoga. Resolutions were presented in favor of carrying out the principle of protection "to a more

full and extended application," and enacting laws for the benefit of the domestic interests of the country. Mr. Vanderpoel and others spoke against the resolutions, but they were adopted by a unanimous vote, and Col. Young, Alvan Stewart, and others, were appointed delegates to the National Convention.

The Legislature of the State re-assembled in September, and remained in session eighty-five days. No business of moment was transacted, except the adoption of the first, and most of the second, part of the Revised Statutes.

In the summer of 1827, the friends of Mr. Van Buren were busily engaged in making preparations for taking the field in support of Gen. Jackson. The Albany Argus, and the other Democratic journals that were accustomed to follow its lead, for a long time preserved an ominous silence in relation to the Presidential question. The military reputation of Gen. Jackson was a powerful argument in his behalf, with a numerous class of his fellow citizens. A great number of the original Federalists in this State, availed themselves of a letter written by him to Mr. Monroe, denouncing the removal of public officers on account of differences of opinion on political subjects, as presenting a sufficient reason for uniting in his support. Among others, Samuel Jones, then Chancellor of the State, and Thomas J. Oakley, an active and talented member of Congress, expressed a determination to support Gen. Jackson. But Mr. Adams and his friends were by no means indifferent spectators. Gen. Porter, and other influential Adams men, who, it was understood, acted under the advice of Mr. Clay, were ex-

ceedingly anxious to thwart Mr. Van Buren. The ostensible ground of complaint against Mr. Adams was, that he had deviated from the State-rights doctrines, which were advocated by Jefferson, Madison, and Monroe; and, in some respects, Mr. Clinton and Mr. Van Buren were justified in making this charge, although they doubtless favored a more strict construction of the Constitution than was regarded as being essential during the administration of Monroe.

Many of Mr. Clinton's friends in Virginia, Ohio, and New-York, desired to bring him forward as the Presidential candidate, but he repeatedly declined the intended honor, and refused to do, or concur, in any thing that could possibly prejudice the success of General Jackson. On the 26th day of September, the General Republican Committee of the city of New-York, held a meeting at Tammany Hall, and adopted the following resolutions:

"*Resolved*, That we view with undisguised satisfaction, the marked preference which our Republican fellow citizens have manifested for the election of Gen. Andrew Jackson, as President of these United States; and that we repose full confidence in his worth, integrity, and patriotism.

"*Resolved*, That it be recommended to our Republican fellow citizens, in addition to the notice of meeting in their respective wards, that they elect *such citizens only*, to represent them in their different committees, as are favorable to the man whom the American people delight to honor; and who, in the language of the immortal Jefferson, has filled the measure of his country's glory."

Peter Sharpe, James Fairlie, and ten other members of the committee, protested against the adoption of these resolutions, and they and their friends subsequently became opposed to the Jackson party. This prompt and decisive movement of the New-York committee, was undoubtedly made under the advice of Mr. Clinton and Mr. Van Buren. It was soon followed by an equally decided stand on the part of the Albany Argus, and the leading Democratic papers in the State; and it was explicitly avowed that the fall election would be conducted with especial reference to the Presidential question. For two years Mr. Van Buren had been assiduously engaged in perfecting the organization of the Democratic party. His unexampled skill in political management was never put to a severer or more triumphant test. The great majority of the Bucktail party readily followed his lead in opposition to Mr. Adams, notwithstanding many of them had been the firmest supporters of that gentleman at the election in 1824. Gen. Porter, John W. Taylor, Col. Willett, and other prominent individuals, remained steadfast in their adherence to the political fortunes of Mr. Adams and Mr. Clay. Nearly all the "high-minded Federalists" of 1820, also came out against Gen. Jackson. The Adams men were somewhat taken by surprise at the sudden denouement of Mr. Van Buren's plan, and when it began to be feared that the whole weight of Gov. Clinton's influence might also be directed against them, they did not seem inclined to make any resistance. Meetings were called, however, in New-York, and in other places, at which candidates for the Legislature were nominated. In



the First Senatorial District, Peter Sharpe, and John D. Ditmus were nominated as the Adams candidates for Senators. In the other Districts, the new party lines were not drawn with so much strictness. The Anti-Masons in the Eighth District held a Convention, and nominated George A. S. Crooker as their candidate for the Senate, but the Central Committee at Rochester soon after published a circular, alledging that Mr. C. was unworthy of their confidence, and recommending to their friends the support of Mr. Porter, the Bucktail Adams candidate, who received the suffrages of the great body of the Anti-Masonic party.

The Jackson ticket was generally successful throughout the State. Nearly all of the Senators elected, and a large majority of the members of Assembly, were Jackson men. The Senators who retired this year, were David Gardiner, William Nelson, Jacob Haight, John Crary, Parley Keyes, Latham A. Burrows, Victory Birdseye, and James Mc Call. Mr. Colden, of the First District, resigned his seat. The places of these gentlemen were filled by the election of John I. Schenck and Jacob Tyson, in the First District; Walker Todd, in the Second; Moses Warren, in the Third; Reuben Sanford, in the Fourth; Nathaniel S. Benton, in the Fifth; Grattan H. Wheeler, in the Sixth; George B. Throop, in the Seventh; and Timothy H. Porter, in the Eighth. The most prominent Jackson men elected to the Assembly, were Benjamin F. Butler, of Albany, who owed his election, in a great degree, to the fact that he was one of the Revisers; Gen. Root, of Delaware; Nathaniel P. Tallmadge, of Dutchess; Robert Monell, of Chenango;

Nathan Dayton, of Cortland; John B. Skinner, of Genesee; Alpheus Sherman, Ogden Hoffman, and Robert Emmett, a son of the distinguished Irish advocate, of New-York; N. B. Cowles, of Putnam; Nathaniel P. Wardwell, of Jefferson; Abijah Mann, Jr., of Herkimer; Amasa Dana, of Tompkins; and Samuel Cheever, of Rensselaer. The Adams party was ably represented by Gen. Porter, of Niagara; Francis Granger and Robert C. Nicholas, of Ontario; Elisha Williams and Killian Miller, of Columbia; Ezra C. Gross, of Essex; and Luther Bradish, of Franklin.

At the annual session of Congress in December, Andrew Stevenson, of Virginia, was chosen Speaker, by ten majority, over Mr. Taylor. Mr. Van Buren, and his friends, favored the election of the former, as Mr. Taylor had already become identified with the political party to which they were opposed.

The Adams men in the city of Albany, became so far distrustful of the Albany Advertiser, in the fall of 1827, that they established a new paper, under the name of "The Albany Morning Chronicle." This paper was placed under the editorial supervision of S. B. Beach, who conducted it with marked vigor and ability, until the close of the Presidential campaign of 1828.

The New-York Legislature commenced its annual session on the first day of January, 1828. Gen. Root was re-elected Speaker without opposition. Francis Seger was chosen Clerk, in the place of Mr. Livingston, who declined a re-election. The Governor again recommended additional internal improvements, and the construction of lateral and tributary canals. He advised the abandonment of the circuit feature in the

judiciary system of the State, and expressed an opinion in favor of amending the Constitution of the United States, so as to provide for the choice of Presidential Electors by single districts, and to render the President ineligible for more than one term in succession. The message also contained a review of the agricultural condition of the State, and suggested to the farmers the propriety of cultivating tobacco and hemp. Various other recommendations in regard to minor matters were also alluded to in just and appropriate terms.

In consequence of the illness of the Lieut. Governor, Peter R. Livingston was elected President *pro tem.* of the Senate, on the 5th day of January. In a few days after the commencement of the session, Mr. Wardwell, of Jefferson county, introduced the following resolutions, which were unanimously passed; thus showing that the Tariff question was not regarded as a party test in 1828.

"*Resolved*, That the Senators of this State in the Congress of the United States, be and they are hereby instructed, and the Representatives of this State are requested, to make every proper exertion to effect such a revision of the Tariff as will afford a sufficient protection to the growers of wool, hemp, and flax, and the manufacturers of iron, woolens, and every other article, so far as the same may be connected with the interest of manufactures, agriculture, and commerce.

"*Resolved*, As the sense of this Legislature, that the provisions of the Woolens bill, which passed the House of Representatives at the late session of Congress, whatever advantages they may have promised to man-

ufacturers of woolen goods, did not afford adequate encouragement to the agriculturist and growers of wool."

In the midst of his fame and usefulness, Gov. Clinton expired, almost instantaneously, while sitting in his library after dinner, on the 11th day of February, 1828. His death was produced by a catarrhal affection of the throat and chest, which, having been too long neglected, had occasioned a fatal disease of the heart. The sudden departure of one who had occupied so high a position in the public estimation, might well excite emotions of awe and regret. The memory of Dewitt Clinton—for it soon became a sacred and a substantial memory—was no trivial feeling to be indulged for a moment, and then dismissed forever to the oblivion of the past. Business was entirely suspended in Albany on the day after his decease, and the testimonials of public respect paid to his memory in the State and in the Union, were numerous and impressive. On the arrival of the intelligence at Washington, a meeting of the New-York members of Congress was held, at which Mr. Van Buren delivered a feeling and eloquent address, concluding with the following touching and beautiful sentiments:

"The triumph of his (Mr. Clinton's) talents and patriotism, cannot fail to become monuments of high and enduring fame. We cannot, indeed, but remember, that in our public career, collisions of opinions and action, at once extensive, earnest, and enduring, have arisen between the deceased and many of us. For myself, sir, it gives me a deep-felt, though melancholy satisfaction, to know, and more so, to be conscious, that the deceased also felt and acknowledged,

that our political differences have been wholly free from that most venomous and corroding of all poisons, personal hatred.

"But in other respects it is now immaterial what was the character of those collisions. They have been turned to nothing, and less than nothing, by the event we deplore; and I doubt not that we will, with one voice and one heart, yield to his memory the well-deserved tribute of our respect for his name, and our warmest gratitude for his great and signal services. For myself, sir, so strong, so sincere, and so engrossing is that feeling, that I, who, whilst living, never, no never, envied him any thing; now that he has fallen, am greatly tempted to envy him his grave with its honors."

The death of Gov. Clinton was most fortunate for Mr. Van Buren, in that it removed the only barrier to his political advancement. Although both these gentlemen were known to be friendly to Gen. Jackson, the former had not yet taken any decided stand that involved a separation from his party friends, three-fourths of whom were in favor of the re-election of Mr. Adams. It is not probable that he intended to take any such step, until the fall of 1828, and even then he would not have consented to occupy a subordinate position to Mr. Van Buren. Sooner or later, a collision must have been produced between them, the result of which it is not difficult to predict. Of Mr. Clinton's character, as a politician, we have previously spoken. With all his great and commanding talents, he was too willful and headstrong to command success. Had he placed himself entirely in the

hands of his confidential friends, William James, Archibald Mc Intyre, Alfred Conkling, and Sylvanus Miller, who were all shrewd and judicious politicians, it is probable that he might have counteracted any schemes formed to his prejudice. But it was impossible for him to cope single-handed with Mr. Van Buren. Now that the retirement of that gentleman to private life, has removed him from the political contests of the day, the most determined of his opponents must concede to him the very highest qualifications as the manager of a party. It was ever his great aim to reduce politics to a regular system. Hence, he labored earnestly to perfect the organization of the party to which he was attached, until it formed a solid and united phalanx, ready, at all times, to carry into effect the will of its recognized leaders. Mr. Clinton had a large number of firm and trusty friends, and he was generally successful as a candidate for public favor ; but, after all, with him, party operations were oftener the creatures of impulse, than the results of careful and cautious deliberation. Mr. Van Buren made a complete change in political tactics. His great forte was in the prudential foresight with which he guarded against all possible contingencies, and in the calmness and collectedness he displayed in meeting every crisis. Without the deceptive Jesuitism of Talleyrand, he was nevertheless equally wary in committing himself upon any question, until the proper time came for action, and when that moment arrived, he was as prompt and decided as Napoleon himself. Mr. Clinton lacked those essential attributes of the leader of a party, and, had he entered into a contest with so

formidable a rival, without the assistance of others in directing and advising him, the result must have shown that Mr. Van Buren was the abler and more successful politician.

Upon the death of Gov. Clinton, the Lieut. Governor, Gen. Pitcher, became the acting governor of the State. In a short time after his entrance upon the Executive duties, he made a written communication to the Legislature, recommending the passage of a law for the appointment of a special prosecutor, to conduct the investigations and trials, growing out of the abduction and murder of William Morgan. A bill was introduced in accordance with his suggestion, and became a law. Daniel Mosely, of Onondaga county, received the appointment provided for in the bill.

At the time of Mr. Clinton's death, his pecuniary circumstances were in an embarrassed condition. He left four minor children, for whom his friends desired some provision to be made. Inasmuch as he had served the State for a number of years, as a non-acting Canal Commissioner, without receiving any remuneration, it was thought advisable to bestow a compensation for his services, as a member of the Canal Board, upon his children. A bill was accordingly reported in the Assembly, by a select committee, consisting of Messrs. Edgerton, Butler, Granger, Goodrich and Ruggles, authorizing the payment of the salary of a Canal Commissioner during the time he had held the office, and of Governor of the State for one year, to his minor children. Gen. Root and Mr. Mann opposed the bill with great vehemence. Gen. Porter also stated that he could not vote for the bill, unless the amount

was reduced to ten thousand dollars, and he moved an amendment to that effect. Mr. Butler delivered an eloquent and animated speech, in support of the original recommendation of the committee, but the amendment of Gen. Porter was adopted, and in that shape the bill passed, by a vote of eighty-eight to twenty-five. It was also passed in the Senate without much opposition.

Bills for constructing the Chenango and Chemung canals, were passed in the Assembly, at the winter session of 1828, but were again defeated in the Senate. The Superior Court of the city of New-York was established at this session, in order to keep pace with the rapid accumulation of business in the courts held in that city. The presiding officers of the Court, are one Chief Justice and two Associate Justices. These appointments were first bestowed on Samuel Jones, Chancellor of the State, Josiah O. Hoffman, and Thomas J. Oakley. All these gentlemen had been leading and active Federalists, but they were now understood to be friendly to Gen. Jackson. Mr. Jones had nearly reached the age prescribed in the Constitution, which would have compelled him to vacate the office of Chancellor, and he was, therefore, easily induced to accept a subordinate appointment. Both himself, and Mr. Oakley, have continued to occupy their seats on the bench of the Superior Court, up to the present time. After the resignation of Mr. Jones, the office of Chancellor was tendered to Chief Justice Savage, who declined accepting it; whereupon Mr. Pitcher nominated Reuben H. Walworth, Circuit Judge of the Fourth District, who was duly confirmed by the Sen-



ate. Esek Cowen, of Saratoga, the Reporter of the Supreme Court, was appointed as the successor of Mr. Walworth.

The members of the Legislature friendly to Gen. Jackson, nominated him as their candidate for President, at a meeting on the 31st day of January; and previous to the adjournment, another caucus was held, at which a State Convention was called, at Herkimer, on the the fourth Wednesday of September, in order to nominate candidates for Governor and Lieut. Governor. The Adams members assembled on the day of the adjournment, and adopted an address to the Electors of the State, denouncing Gen. Jackson with much bitterness, and earnestly pressing the claims of their favorite candidate.

Early in the summer, Gen. Porter was made Secretary of War, in the place of James Barbour, appointed minister to England. The office of Treasurer of the United States was tendered to Mr. Savage, but he respectfully declined its acceptance. Several other appointments were made by Mr. Adams, through the influence of Mr. Clay, in order to counteract the movements of Mr. Van Buren, but, as the sequel proved, without much success. A Convention was also held at Albany, on the 10th day of June, of the friends of Mr. Adams. Among the delegates, were Ambrose Spencer, Samuel B. Romaine, Gerrit Smith, and John A. King. Alexander Coffin, of Hudson, presided, and Robert L. Rose, of Seneca, and Peter Sharpe of New-York, officiated as Secretaries. An address and resolutions were adopted and published, expressing the views of the delegates, in relation to the Presiden-

tial question, but the Convention adjourned without making any definite arrangements for the election. A second Convention, for the nomination of State officers, was held on the 22nd day of July, of which James Fairlie, of New-York, was President, and Tilly Lynde of Chenango, and Thomas Clowes of Rensselaer, were Secretaries. A majority of the June Convention were in favor of nominating Francis Granger for Governor, who had already become quite popular with the Anti-Masons, but at the subsequent Convention, it was thought advisable by the members who now claimed to represent the National Republican party, to nominate Smith Thompson, for Governor, and Mr. Granger, for Lieut. Governor.

The Anti-Masons of twelve of the western counties held a Convention at Leroy, on the 6th day of March, 1828, at which Samuel Works, Henry Ely, Frederick F. Backus, Frederick Whittlesey, and Thurlow Weed, were appointed a general central committee. This committee subsequently issued a call for a State Convention, which assembled at Utica, in August, and nominated Mr. Granger for Governor, and John Crary for Lieut. Governor. A resolution was adopted by this Convention, declaring that it was expedient for them "wholly to disregard the two great political parties," in the State, "and to nominate Anti-Masonic candidates for Governor and Lieut. Governor." Both the candidates they selected were open and avowed Anti-Masons, but Mr. Granger, who had evidently been disappointed at not receiving a similar nomination from the National Republican Convention, after considerable hesitation, finally decided to decline the

nomination of his Anti-Masonic friends, and to accept that made by the first Convention. This decision was entirely unexpected by the Anti-Masons, and for some time they were unable to agree upon a candidate. Solomon Southwick, who had been one of the most active agents in establishing the party, was afterwards nominated, at a meeting held in Leroy, and although several county conventions protested against the selection, he was generally supported by the Anti-Masons in the western part of the State.

The proceedings of the Jackson Convention held at Herkimer, in September, were quite harmonious. Mr. Van Buren was selected, with entire unanimity, as their candidate for Governor. It was at that time anticipated that, in the event of Gen. Jackson's election, Mr. Van Buren would receive a Cabinet appointment; consequently the selection of a Lieut. Governor was of more than ordinary importance. Gen. Pitcher confidently expected a re-nomination, but the Convention decided in favor of Enos T. Throop, then Judge of the Seventh Circuit. Mr. Pitcher was much chagrined at this result, and never forgave the leading Jackson men at Albany, who were then known as the Regency, for their interference in the matter, and he afterwards united with the opposition party.

The extra session of the Legislature commenced on the 9th day of September. The principal business transacted, was the consideration and adoption of several chapters of the revised laws of the State. Judge Woodworth resigned his office during the session, to take effect on the 21st of January, 1829, and Wm. L. Marcy was appointed by the Governor and Senate, to

succeed him. Mr. Throop also resigned the office of Circuit Judge, and Gen Pitcher nominated Daniel Moseley to fill the vacancy; but the Senate declined to act upon any further nominations until the new Governor had entered upon the discharge of his official duties. At this session of the Legislature, Mr. Livingston resigned the office of President *pro tem.* of the Senate, and Charles Dayan was chosen in his place. Mr. Carroll resigned his seat as a member of that body, on the 6th day of October.

## CHAPTER XIV.

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1828—Position of the Anti-Masonic party—Mr. Granger and Mr. Crary—Success of the Democratic Ticket—Particulars of the Fall Election—William H. Maynard—Millard Fillmore—Legislature of 1829—The Safety Fund System—Charles E. Dudley elected a Senator in Congress—Greene C. Bronson elected Attorney General, in the place of Mr. Talcott—Silas Wright, Jr., appointed to succeed Mr. Marcy in the Office of Comptroller—Result of the Presidential Election—Mr. Van Buren appointed Secretary of State—The Chenango Canal—Death of John Jay—Addison Gardiner appointed Circuit Judge of the Eighth Circuit—Removals made by the National Administration—November Election—Alvin Bronson—Levi Beardsley—Charles L. Livingston—Legislative Session of 1830—Charles Stebbins, George R. Davis, and James Rees, appointed Bank Commissioners—Report of the Canal Commissioners in relation to the Chenango Canal—Circulation of Small Bills—The Working Men's party—Nomination of Gen. Root by the Working Men, and his refusal to accept—Substitution of Ezekiel Williams—The Anti-Masons as a Political party—The Albany Evening Journal—Francis Granger and Samuel Stevens nominated for Governor and Lieutenant Governor, by the Anti-Masonic State Convention—Nomination of Enos T. Throop and Edward P. Livingston, at the Herkimer Convention—The Fall Election—Henry A. Foster—William H. Seward—John W. Edmonds—Dudley Selden—John A. Dix appointed Adjutant General—Movements in behalf of Mr. Clay—Legislature of 1831—Judge Marcy elected to the United States Senate, and Samuel Nelson appointed to succeed him—Robert Monell and Charles H. Ruggles appointed Circuit Judges—Opposition to Re-chartering the United States Bank—Distribution of the Surplus Revenue proposed—Resignation of the members of Gen. Jackson's Cabinet—Appointment of Mr. Van Buren as Minister to England—National Republican Convention—Jonas Earll, Jr., appointed Canal Commissioner—November Election—George W. Patterson—John I. Morgan—Silas M. Stilwell—Myndert Van Schaick—Isaac R. Van Duzer—Jedediah Miller—Financial Policy of Gov. Throop, and Mr. Wright—Legislative Session of 1832—Rejection of Mr. Van Buren, and his nomination for Vice President—Coalition between the National Republicans and Anti-Masons—Re-nomination of Messrs. Granger and Stevens—William L. Marcy and John Tracy nominated by the Herkimer Convention—1832.

**THE Anti-Masonic party, as a body, were never fa-**

vorably disposed toward the leading Jackson men in the State; neither did they at first appear inclined to co-operate in any respect with the National Republicans. Mr. Granger, and a few others, endeavored to bring about a union in 1828, but his efforts were unavailing. The Anti-Masons were quite friendly to him; but they could not be induced, as was at one time anticipated, to adopt the nominations of the National Republican Convention. An attempt was then made to persuade Mr. Cray to decline the nomination of the Anti-Masonic Convention, in the hope of securing the election of Mr. Granger as Lieut. Governor; and that gentleman at one time consented to the arrangement, provided Mr. Granger would first decline the Gubernatorial nomination. This was accordingly done, but Mr. Cray afterwards refused to fulfill his part of the agreement. The canvass was conducted with spirit and enthusiasm. The Jackson men were confident of a triumphant victory. Neither the National Republican, or Democratic candidates, could be charged with being under the influence of Free Masonry. Mr. Granger was highly popular with the Anti-Masons, but Judge Throop had also secured their respect and esteem, by his independent course at the trial of Lawson and others, in January, 1827. While sentencing the prisoners on this occasion, he alluded to the Anti-Masonic excitement, in the following eloquent and manly language :

“ Your conduct has created, in the people of this section of the country, a strong feeling of virtuous indignation. The Court rejoices to witness it--to be made certain that a citizen's person cannot be invaded by law-

less violence, without its being felt by every individual in the community. It is a blessed spirit, and we do hope that it will not subside ; that it will be accompanied by a ceaseless vigilance, and untiring activity, until every actor in this profligate conspiracy, is hunted from his hiding place, and brought before the tribunals of his country, to receive the punishment merited by his crime. We think we see in this public sensation, the spirit which brought us into existence as a nation, and a pledge that our rights and liberties are destined to endure."

The election resulted very differently from the general expectation of the Jackson party. There were upwards of two hundred and seventy-six thousand votes cast for Governor. Mr. Van Buren received one hundred thirty-six thousand, seven hundred and ninety-four ; Mr. Thompson, one hundred six thousand, four hundred and forty-four ; and Mr. Southwick, thirty-three thousand, three hundred and forty-five. The vote on the Lieut. Governor did not differ materially from that on Governor. Mr. Van Buren and Mr. Throop were, in point of fact, elected by a minority of votes ; but the result would not have been different, had the Anti-Masonic party never existed. John Birdsall, Circuit Judge of the Eighth Circuit, John C. Spencer, and a great number of the Anti-Masons in western New-York, were originally staunch Jackson men, and they would undoubtedly have supported the Democratic ticket, had the Morgan affair never taken place. On the other hand, if a union ticket had been adopted by the National Republicans and Anti-Masons, in 1828, a much larger

number of the Masons belonging to the Adams party would have seceded, than eventually refused to concur in the coalition formed in 1830. The opinion, therefore, which has been often advanced, that if Mr. Crary had declined the Anti-Masonic nomination for Lieut. Governor, Mr. Granger would have been certainly elected, is not only unwarranted, but an impartial review of the condition of political parties at that time, must certainly lead to the conviction, that he would have been defeated by from fifteen to twenty thousand majority.

Although the Anti-Masons positively refused to connect themselves with either of the other parties, in regard to State affairs, they generally voted for the Adams Electoral ticket, because his opponent was a Mason, and belonged to one of the highest grades in the Order. For this reason, the vote on Electors was very close; eighteen of the number chosen were for Gen. Jackson, and sixteen for Mr. Adams. At the meeting of the Electoral College, the two State Electors designated by those elected in the several districts, were friendly to Jackson. The city and county of New-York, and the counties of Westchester, Dutchess, Ulster, Orange, Delaware, and Greene, gave heavy Jackson majorities. Several of the southern and western counties also gave an unexpected vote for the Democratic ticket. The majority in Tompkins and Tioga was nearly seventeen hundred, and in Cayuga it was seventeen hundred and forty-three. In the counties of Albany, Rensselaer, Washington, St. Lawrence, and Oneida, majorities were given for the Adams Electors. The vote for that ticket in the Eighth



District was very large ; Genesee and Orleans giving over three thousand majority; and Chautauque, Erie, and Niagara, four thousand three hundred and twenty-three. The aggregate majority for the Jackson Electors in the State, was five thousand three hundred and fifty.

The Senators chosen at the fall Election, in 1828, were Stephen Allen, in the place of Jacob Tyson ; Samuel Rexford, in the place of Wells Lake ; Lewis Eaton, in the place of Richard McMichael ; John McLean, Jr., in the place of John Crary ; William H. Maynard, in the place of Charles Dayan ; John F. Hubbard, in the place of Stukely Ellsworth ; Hiram F. Mather, in the place of John C. Spencer ; Moses Hayden, in the place of Samuel Wilkeson ; and George H. Boughton, to fill the vacancy occasioned by the resignation of Mr. Carroll. Mr. McLean was elected as an Adams man, but acted with the Jackson party, in opposition to the Anti-Masons. Messrs. Maynard, Mather, Boughton and Hayden, belonged to the Anti-Masonic party. Mr. Maynard was a man of fine talents, and took a high stand in the body of which he was a member. In the Assembly, there was a majority of Jackson men. Messrs. Paige, Mann, Skinner, Nicholas, Bradish, and Gross, were re-elected. The two gentlemen last named, were National Republicans. Chandler Starr was chosen by the same party, in the county of Albany, and the Anti-Masons elected Millard Fillmore in Erie, Philo C. Fuller in Livingston, and Abner Hazeltine in Chataunque.

Peter Robinson, of Broome county, and a warm friend of the Chenango canal, was elected Speaker of

the Assembly, by the Jackson members, at the annual session of the Legislature in 1829. Mr. Van Buren's first message was anxiously looked for, and did not disappoint the confidence of his party in the talents which had secured his elevation to the Gubernatorial chair. He highly complimented Mr. Clinton, for the great services he had rendered to the State, as the pioneer in its system of internal improvements; but did not recommend, in explicit terms, the construction of any of the lateral canals which were in contemplation. It was understood that the Governor concurred in the views of Mr. Marcy and Col. Young, in relation to the financial policy of the State, but the message carefully avoided any definite avowal of his opinions. He recommended the abolition of the auction monopoly; the prohibition of all expenditures of money at elections, except to defray the expenses of printing; the repeal of the district system; and the choice of Presidential Electors by general ticket. But the most important subject discussed in the message, was the Safety Fund banking system, the leading features of which were communicated to Mr. Van Buren by Joshua Forman, of Onondaga county. This plan had been submitted to Thomas W. Olcott, Isaac Bronson, Benjamin Knowler, and other experienced bankers in the State, and had received their unqualified approbation. A large number of the bank charters were about to expire, and the urgent demand of the people for a change in the existing system, induced Mr. Van Buren to urge it upon the Legislature in a subsequent message, in which the details of the measure were more clearly presented. A bill was

afterwards reported by Mr. Paige, chairman of the bank committee in the House, in accordance with the views of the Governor, which became a law on the 2d day of April. During the winter session also, a law was passed providing for the choice of Presidential Electors by general ticket.

Mr. Van Buren having resigned his seat in the Senate of the United States, in consequence of his election to the office of Governor, Charles E. Dudley, one of his most attached personal and political friends, was appointed, by the Legislature, as his successor. Mr. Dudley received seventy-nine votes in the Assembly, and twenty-three in the Senate. The irregular habits of Mr. Talcott, the Attorney General of the State, led to his resignation early in the session, and the office was conferred on Greene C. Bronson, a clear-headed and skillful lawyer, from the county of Oneida, and the present Chief Justice of the State. Mr. Gross, of the county of Essex, also became so deeply addicted to intemperance, that he died of delirium tremens before the adjournment of the Legislature.

At the election of State officers, in February, Silas Wright, Jr., was appointed Comptroller, in the place of Mr. Marcy ; Messrs. Flagg, Keyser, Dewitt, and Muir, were re-elected without much opposition. The nomination of Mr. Moseley, as Circuit Judge of the Seventh Circuit, previously made by Mr. Pitcher, was renewed by Mr. Van Buren, and confirmed by the Senate. The office of special counsel for the Morgan affair, made vacant by the promotion of Mr. Moseley, was conferred on John C. Spencer. Mr.



MARTIN VAN BUREN.

LITH. OF C. CURRIER, N. Y.

Spencer was at this time opposed to the dominant party in politics, but his untiring zeal and indefatigable exertions in behalf of the Anti-Masonic cause rendered the appointment quite acceptable to his political friends; and Mr. Van Buren did not wish to bestow the office on any one intimately connected with himself, lest it might thereafter prove prejudicial to his own interests. The Anti-Masons professed, and most of them were, undoubtedly, sincere in the expression of this feeling, to be utterly indifferent between the two parties; and they insisted that they had no desire to connect the prevailing excitement with political questions. In this view of the case, therefore, the appointment of Mr. Spencer was, perhaps, the most appropriate that could have been made.

A State Convention was held, in the city of Albany, by the Anti-Masonic party, in the month of February, but no proceedings were instituted, except in relation to the subject of Free Masonry.

The result of the Presidential election in the Union was, that Andrew Jackson received one hundred and seventy-eight votes for President, and John Quincy Adams, eighty-three. John C. Calhoun received one hundred and seventy-one votes for Vice President; Richard Rush, eighty-three; and William Smith, seven. Immediately after the inauguration of Gen. Jackson, Mr. Van Buren was officially notified of his appointment as Secretary of State. This announcement was far from being unexpected, but the Governor was unwilling to detach himself from the service of the Democratic party in this State, without their cordial approbation. A meeting of the leading

Democratic members of the Legislature was held, at which Mr. Van Buren was present, and stated that he regarded himself as being in the hands of his friends, and was prepared to abide by their decision. The unanimous voice of the meeting was in favor of his accepting the appointment, and on the 12th day of March, he communicated to the Legislature his resignation of the office of Governor. Resolutions of congratulation were passed in both houses of the Legislature, by a large majority. Mr. Maynard opposed their adoption in the Senate, on the ground that Mr. Van Buren had been elected under an implied pledge that he would serve during the Constitutional term; but these objections were not favorably entertained.

Lieut. Gov. Throop took leave of the Senate, in a lengthy address, setting forth his opinions in regard to the management of public affairs, and reviewing the history of political parties in the country. Like Mr. Van Buren, he refrained from giving any definite expression of his views upon the canal policy of the State, so far as it was connected with the construction of new works. Charles Stebbins, a Senator from the Fifth District, was elected President of the Senate *pro tem.*, after Mr. Throop assumed the duties of Governor.

A bill for constructing the Chenango canal was rejected in the House, in committee of the whole; but a substitute was afterwards presented, providing for the survey of the route, and authorizing the Canal Commissioners to construct the work, when they became satisfied that the cost would not exceed one million of dollars; that there would be a sufficient supply of

water ; and that the amount of tolls for the first ten years would keep the canal in repair, and pay the interest on the original cost. In this shape the bill became a law. An act for the construction of the Chemung canal, was also passed at this session. The Legislature adjourned on the 5th day of May, after enacting more than three hundred laws. A large majority of the old banks were re-chartered, and eleven new ones were incorporated.

John Jay died on the 17th day of May, at the age of eighty-three years. He had for a long time remained aloof from the political contests which were incessantly going on around him ; but that good spirit of veneration and respect, which is always awakened at the contemplation of consistency and purity of character, sent forth spontaneously its tribute of regret. Men of all sentiments and opinions cordially and sorrowfully united, in the expression of their grief at the public loss. A meeting of the members of the bar in attendance at the May term of the Supreme Court in New-York was held, at which a committee was appointed, consisting of Greene C. Bronson, James Tallmadge, Joshua A. Spencer, D. S. Jones, George Griffin, and J. J. Roosevelt, who reported a series of appropriate resolutions which were unanimously adopted. But the highest eulogy which can be pronounced to the memory of John Jay is, that amid all the blandishments of public favor, and in despite of the corrupt influences which were often employed by his friends to mislead him, he preserved his integrity as a statesman and politician—"faithful among the faithless found."

An extra session of the Senate was convened at the city of New-York, on the 22d day of September, for the purpose of acting on certain nominations to office, which the Governor thought it was necessary to make in advance of the regular session. Mr. Birdsall having resigned the office of Circuit Judge of the Eighth Circuit, Addison Gardiner, of Rochester, the present Lieut. Governor of the State, was appointed to fill the vacancy, on the 25th day of September.

The removals from office made under Gen. Jackson's administration, were very numerous. In the State of New-York, these changes were attributed to Mr. Van Buren, and, although many of his opponents had participated with great gusto in the searching operations of the different councils in existence during the contest between the Lewisites and the Clintons, they were very zealous in condemning him for introducing the New-York system at Washington. An attempt was made to bring this to bear on the fall election, but with little or no effect. The National Republicans had become too disheartened after the result of the great contest in 1828, to make much exertion, and they were already satisfied that they could accomplish nothing without the assistance of the Anti-Masons. The election resulted highly favorable to the Jackson party. They elected their Senators in all the Districts, except the Eighth, which was the principal theatre of the Anti-Masonic excitement, and now began to be termed "*the infected District.*" Albert H. Tracy was elected, by the Anti-Masonic party, in that District, by about eight thousand majority. In the other portions of the State, many



of the National Republican Free Masons, who foresaw that the Jackson men and Anti-Masons must soon come into collision, voted the Democratic ticket at this election. The Senators chosen this year, were Alpheus Sherman, in the place of Joshua Smith, in the First District; Nathaniel P. Tallmadge, in the place of Peter R. Livingston, who had recently changed his politics, and become an ardent Clay man, in the Second; William Deitz, in the place of Ambrose L. Jordan, who resigned his seat on the first day of the preceding session, in the Third; Isaac Gere, in the place of John L. Viele, in the Fourth; Alvin Bronson, in the place of Charles Stebbins, in the Fifth; Levi Beardsley, in the place of Peter Hager, 2d, in the Sixth; Thomas Armstrong, in the place of Truman Hart, in the Seventh; and Albert H. Tracy, in the place of Ethan B. Allen, in the Eighth District. Mr. Bogardus, of the First District, resigned his seat in the Senate, on the 4th day of May, and Jonathan S. Conklin was elected to succeed him. Three-fourths of the members of Assembly elect were Jackson men. Messrs. Root, Paige, Mann, Bradish, Fillmore, Granger, Nicholas, Fuller, and Hazeltine, were again returned. The other prominent members chosen, were Charles L. Livingston, of New-York; George R. Davis, of Rensselaer; Richard L. Smith, of Cayuga; and Aaron Vanderpoel, of Columbia, who were all active and zealous Jackson men; Samuel S. Lush, of Albany, a National Republican, or Clay man, and Thurlow Weed, of Monroe, one of the leading Anti-Masons in the Eighth District.

The Legislature convened on the 5th day of January, 1830. Gen. Root was re-elected Speaker, by sixty-three majority over Mr. Granger. Four of the National Republicans cast blank votes. They would not support Gen. Root, because he was a Jackson man; nor Mr. Granger, because he had become a confirmed Anti-Mason. William M. Oliver was chosen President of the Senate, *pro tem*, in the place of Mr. Stebbins, whose term had expired. The message of the acting Governor was principally confined to the discussion of matters connected with the internal police of the State. In regard to the public finances, he avowed it as his opinion, that a direct tax would soon become necessary to defray the ordinary expenses of Government, in consequence of the diminution of the General Fund. He did not recommend any additional improvements, either by roads or canals; but, in connection with the extension of the public works, he referred to the contemplated division of the surplus revenue of the General Government among the States, as a measure, against which "no valid objection" existed, and from which a considerable augmentation of the funds of the State, applicable to those objects, might be reasonably anticipated.

By the provisions of the Safety Fund law, the Governor and Senate were authorized to appoint one Bank Commissioner, and the banks themselves were required to elect two in addition. Charles Stebbins, late of the Senate, was nominated by Gov. Throop, and duly confirmed. George R. Davis, of Troy, and James Rees, of Geneva, were selected by the banks. At the winter session of the Legislature, the New-

York banks repeated the effort they had made during the previous winter, to procure the modification of the Safety Fund law, and made application for charters under it. Gen. Root and Mr. Granger came out warmly and decidedly against the whole system, and denounced it, as they had formerly done, upon the ground, that it was injudicious in itself, and unjust to the old banks, and, therefore, unworthy of confidence. Gen. Root had for some time been unfavorably disposed toward Mr. Van Buren and his friends in this State, and it was said that he had been disappointed at not receiving the office of Bank Commissioner. Before the close of the session, he began to exhibit symptoms of disaffection, which terminated at a later day, in his separation from the Democratic party.

The Canal Commissioners made their report in relation to the Chenango canal, on the 21st day of January. They stated that they had arrived at the opinion, that the work would cost more than one million of dollars; and that it would not produce an amount of tolls, in connection with the increased tolls on the Erie canal, equal to the interest of its cost, and the expense of its repairs and superintendence, or of either of them. That portion of the report affecting the Chenango canal, has generally been attributed to Col. Young. Although many of the facts and inferences therein stated were not acceptable to a number of the leading politicians in Oneida, Madison, Chenango, and the other counties that expected to be benefitted by the construction of the canal, the public were soon afterwards convinced of

their faithfulness, from practical experience. A large minority of the members of the Assembly were still zealous in behalf of the work. A bill was introduced, and urgently pressed by Mr. Granger and others. Mr. Mann, and the majority of the Democratic members, opposed the measure. The bill was finally lost, by a vote of sixty-one to fifty-one.

Mr. Keyser was re-elected Treasurer, on the 12th day of February. The opposing candidate was George Merchant, who had been an active Republican from the year 1798 down to the division in the party growing out of the Presidential contest in 1824. Mr. Merchant received but twenty-three votes in the Assembly, and four in the Senate.

A caucus of the Jackson members of the Legislature was held on the 13th day of February, at which Gen. Jackson was nominated for a second term; and a resolution was adopted, directing a State Convention to be held at Herkimer, on the 8th day of September, for the nomination of a Governor and Lieut. Governor. Gen. Root was present at this caucus, and participated in its proceedings.

Mr. Lush, a National Republican member from Albany, but who always claimed to be a Federalist of the straitest sect, offered a resolution in the Assembly, on the 12th day of March, instructing the Bank Committee "to inquire as to the expediency of prohibiting the circulation of all bank notes of a less denomination than five dollars." The resolution was adopted, forty-nine to twenty-three; members of all parties voting in favor of its passage.

A new party, called "The Working Men's Party,"

was formed this winter. It originated with the master builders in the city of New-York, who had for a long time besieged the Legislature, in vain, for the passage of a law giving the person performing any labor, or furnishing any materials, in and about the construction of a building, a lien on the same, for the value of such work or materials. One of the principles avowed by the Working Men was, opposition to the banking monopoly; but after they had extended their organization to the cities and villages in the interior, men of all classes and grades, merchants, mechanics, capitalists, operatives, and professional men, attached themselves to the party. A Working Men's Convention was held in Albany, on the 16th day of April. Elisha Dorr was Chairman, and Arnold Nelson and Halsey Woodruff were the Secretaries. The Convention decided to make a nomination for Governor; whereupon Gen. Root was selected, with great unanimity, as their candidate. For several months, Mr. Root was perfectly silent in relation to the refusal or acceptance of the nomination, but the proceedings of a meeting held by the Working Men in the city of New-York, in the month of June, compelled him to decide what course he would take. In reply to the committee appointed to address him, he stated that he felt bound to support the Herkimer nomination, provided it was fairly made; and that he could not, for that reason, accept the one which had been tendered to himself.

It became evident, in the winter of 1830, that the Anti-Masonic party would soon become the leading opposition party in the State. A Convention was held

by them, at Albany, in February, and a resolution adopted authorizing a State Convention to be called. They had long felt the want of a newspaper organ at the Capital, and measures were taken to establish the Albany Evening Journal, before the close of the session. The leaders of the party were quite fortunate in the selection of Thurlow Weed, a member of the Assembly, from Monroe, as its editor. Mr. Weed had published a Clintonian paper, at Rochester, for several years, and it was at this time the most prominent Anti-Masonic journal in western New-York. His zeal, talents, and indefatigable perseverance, have, probably, contributed more to strengthen the party whose views he has represented, than those of any other single individual in the State. The Anti-Masonic State Convention assembled at Utica, in August, 1830. Delegates were in attendance from forty-eight counties. Francis Granger was unanimously nominated for Governor, and Samuel Stevens, of New-York, who was partially identified with the Working Men, was selected as the candidate for Lieut. Governor. John Crary was a candidate before the Convention, but received only seventeen votes.

At the Herkimer Convention, in September, a powerful effort was made by the friends of Gen. Root, to procure his nomination for the office of Governor. On the informal ballot, Mr. Throop received seventy-eight votes; Gen. Root, forty; and John Savage, four. An effort was then made by the friends of Mr. Root to adjourn, but without success; and on the second ballot, Mr. Throop received ninety-three votes, and was declared nominated. Silas Wright, Jr., who was

a member of the Convention, offered the usual resolution, making the nomination unanimous, which was opposed by the friends of Gen. Root, but passed, with a slight modification. Edward P. Livingston, of Columbia county, one of "the seventeen Senators," was nominated for Lieut. Governor. The opposing candidates were, Jesse Buel, and John Tracy of Chenango county; the former received eleven votes, and the latter twenty-eight. Gen. Root was by no means satisfied at the result of the Convention, and he suffered a portion of the Working Men to persist in making him their candidate for Governor, until after his nomination to Congress, when he peremptorily declined being considered as occupying any such position. A small number of the Working Men, who were probably influenced, to a great degree, by the adhering Masons in the National Republican party, afterwards met together in New-York, and nominated Ezekiel Williams, of Cayuga county, in the place of General Root.

The contest previous to the election, was warm and animated. The majority of the National Republicans supported the Anti-Masonic nominations; a large portion of them, however, particularly those residing in the eastern part of the State, united with the Jackson party; and a small number, who were dissatisfied with both parties, voted for the Working Men's candidate. The result of the election was a matter of surprise to all parties. Mr. Granger received a very heavy vote in the Sixth and Eighth Districts; and it is probable his friends had confidently expected that the Chenango canal interest would secure his

election. It is certain, at least, that they were deeply chagrined at the result. The whole number of votes polled for Governor, was two hundred fifty-one thousand, five hundred and thirty-five ; being upwards of twenty-five thousand less than the number cast in 1828. Mr. Throop received one hundred twenty-eight thousand, eight hundred and forty-two votes ; Mr. Granger, one hundred twenty thousand, three hundred and sixty-one ; and Mr. Williams, two thousand three hundred and thirty-two. The Sixth Senatorial District, to which the feeling in favor of the Chenango canal was mainly confined, gave Mr. Granger more than two thousand majority, notwithstanding it had given six thousand the other way in 1829. The majority for Mr. Granger in the Eighth District, was near thirteen thousand ; and in the Seventh, it was about eighteen hundred. The remaining Districts gave Mr. Throop majorities, ranging from four to five thousand each. Jonathan S. Conklin, who had been elected to fill a vacancy in the Senate, was re-elected for the full term, from the First Senatorial District. Messrs. Woodward, McCarty, McMartin, Enos, Waterman, Oliver, and Boughton, retired this year, and were succeeded by David M. Westcott, in the Second District ; Herman I. Quackenboss, in the Third ; William I. Dodge, in the Fourth ; Henry A. Foster, in the Fifth ; Charles W. Lynde, in the Sixth ; William H. Seward, in the Seventh ; and Trumbull Cary, in the Eighth District. Philo C. Fuller was elected to fill the vacancy occasioned by the resignation of Moses Hayden. More than ninety of the members of Assembly elect were Jackson men.





ENOS T. THROOP.

LITH. OF C. CURRIER, N. Y.

The most prominent men brought into the Senate at this election, were Mr. Seward, Mr. Dodge, and Mr. Foster. Mr. Seward was then a young man, and without much political tact ; but he possessed remarkable showy talents, a retentive memory, and a well educated and disciplined mind. He soon became one of the most popular and effective speakers on the opposition side. He was a native of Orange county, and originally belonged to the Democratic party ; he united with the Anti-Masons soon after the excitement arose in the western part of the State, and was regarded as one of the most active and promising members of the party. Mr. Dodge and Mr. Foster were zealous politicians, and acquitted themselves creditably in the frequent discussions that arose in the Senate. John C. Spencer was elected to the Assembly from Ontario county, in the place of Mr. Granger. In the course of Mr. Spencer's investigations into the Morgan affair, he deemed it necessary to expend a portion of the two thousand dollars reward offered by Gov. Clinton, in ferreting out the authors of the outrage. He applied to Gov. Throop for permission to use the money for that purpose, which was refused ; and the Legislature, in 1830, passed a law reducing Mr. Spencer's salary to one thousand dollars, which he regarded as a personal indignity offered to himself, and immediately resigned. After his resignation, he labored assiduously to induce the Anti-Masons to take ground against the Jackson men, and organize a political party, which was accordingly done at the Utica Convention. The Anti-Masons in the county of Chautauque, made choice of Judge Birdsall, as one of

their members of Assembly. Messrs. Livingston and Davis were re-elected, and the Jackson strength in the House was increased, by the addition of John W. Edmonds, of Columbia; Dudley Selden, of New-York; and E. B. Morehouse and Schuyler Crippen, of Otsego.

Mr. Beck, the Adjutant General of the State, died in 1830. His place was supplied by John A. Dix, of Cooperstown, formerly an officer in the United States army, a fine classical scholar, and an able writer.

Efforts were made by the friends of Mr. Clay, in 1830, to bring him into the field as a candidate for the next Presidency. He was regarded as the author of the American system; and a meeting of its friends was held in Buffalo, soon after the election, which was attended by Gen. Porter and Judge Rochester. Strong resolutions in favor of the protection of domestic manufactures, were adopted by the meeting. On the 16th day of December, a public meeting of the friends of Mr. Clay was held in New-York. John L. Lawrence was Chairman, and Isaac Minard and Peter Sharpe, Secretaries. At this meeting, Mr. Clay was publicly nominated as the candidate for President.

The Legislature assembled on the first Tuesday in January. George R. Davis was chosen Speaker. He received ninety-one votes, and thirty were cast for John C. Spencer. The Governor's message was very well written, and repeated the same sentiments in relation to the condition of the General Fund, the prosecution of the public works, and the distribution of the surplus revenue, that he had previously advanced. He suggested the propriety of modifying the punishment for arson, and other capital offenses, and re-

commended the abolition of imprisonment for debt. On the 1st day of February, Judge Marcy was elected to succeed Mr. Sanford in the United States Senate. This selection was esteemed a fortunate one for the Democratic party. Mr. Marcy had long been the confidential friend of Mr. Van Buren, and had proved himself a cautious and efficient party manager. Samuel Nelson, then Circuit Judge of the Sixth Circuit, was appointed to succeed Mr. Marcy on the bench of the Supreme Court. The vacant office of Circuit Judge, was in the first place tendered to John Tracy, of Chenango county. He declined to accept it, and the Governor then selected Robert Monell, of the same county, who was confirmed on the 2d day of March. The offer to Mr. Tracy, and the appointment of Mr. Monell, were probably intended to soften down the feeling which prevailed in the Chenango Valley, against the Governor and his friends. Judge Emott, of the Second Circuit, reached the age limited by the Constitution, during the winter, and Charles H. Ruggles, of Dutchess, was appointed as his successor, on the 15th day of March.

While the Legislature was in session, preparations were made for the organization of a Clay party in the State. Various consultations were held at Albany, and a State Convention was called, for the 3d day of June, to appoint delegates to the National Convention.

The annual message of Gen. Jackson, delivered to the two houses of Congress in December, 1830, expressed an opinion unfavorable to the renewal of the Charter of the United States Bank, which expired in 1836. This movement was justly regarded as sig-

nificant of the course which would be pursued by the Democratic party in relation to the Bank. It was followed by the presentation of a resolution, by Mr. Benton, in the Senate of the United States, declaring that the Charter ought not to be renewed, which was lost—twenty to twenty-three. Both of the Democratic Senators from this State voted for the resolution, and Mr. Clay's friends opposed it. The same subject was brought up in the New-York Legislature, on the 4th day of March. Mr. Morehouse offered the following resolution in the Assembly :

*"Resolved,* That it is the sentiment of this Legislature, that the Charter of the Bank of the United States ought not to be renewed."

Messrs. Livingston and Selden, of New-York, and Mr. Spencer, of Ontario, opposed the resolution. An attempt was made to postpone it until after the adjournment, which failed, by a tie vote. But the Democratic party had for a number of years been so thoroughly drilled, that the great body of the members soon fell in with the policy marked out by their leaders. On taking the final vote, the resolution was passed—seventy-three to thirty-three. Mr. Livingston and Mr. Selden voted in the negative. In the Senate, several able speeches were made on the question. Mr. Maynard and Mr. Seward opposed the adoption of the resolution, but without effect. The vote on its passage, was seventeen to thirteen. Three of the Democratic Senators, viz : Sherman, of New-York ; Rexford, of Delaware ; and Bronson, of Oswego, voted with the minority.

An attempt was again made at this session, to pro-

cure the passage of a bill for the construction of the Chenango canal. It was lost in the Senate—sixteen to fourteen. The Anti-Masonic Senators, and five of the Democrats, voted in favor of the bill. On the 10th day of March, a resolution passed the Assembly, without a division, approving of the distribution of the surplus revenue of the United States. Mr. Benton made a report, in the Senate, in support of the principle of distribution, but suggesting that there were constitutional objections to its adoption, which ought first to be removed. The report and resolution were laid on the table, and remained undisposed of at the time of the adjournment.

Mr. Benton, of the New-York Senate, was appointed District Attorney for the Northern District of New-York, in the place of Mr. Beardsley, elected to Congress; his seat was vacated, therefore, before the close of the session.

At the time of the election of Gen. Jackson, in 1828, it was indirectly understood that he would not be a candidate for re-election. Mr. Van Buren had already fixed his mind on the succession, but it was feared that he could not be nominated, in opposition to Mr. Calhoun, whose friends were urgently pressing his claims. It was then thought advisable that Gen. Jackson should be re-nominated in order that the influence of the administration, so far as it could be wielded by Mr. Van Buren, might be exerted to strengthen his position. A majority of the members of the cabinet were friendly to Mr. Calhoun, and when intimations were thrown out in regard to the re-nomination, feelings of animosity were excited to-

ward Mr. Van Buren, which constantly interrupted the harmony of their proceedings. A difficulty that arose during the winter of 1830, between Mr. Eaton, the Secretary of War, and Messrs. Calhoun, Ingham, Branch, and Berrien, on account of the refusal of the ladies belonging to their families to associate with Mrs. Eaton, increased the differences in the cabinet to such a degree, that Mr. Van Buren tendered his resignation on the 11th day of April, 1831. Mr. Eaton also resigned his office. The President, on accepting the resignations, determined to renew his entire cabinet; and the other members were advised as to his wishes, and immediately handed in their resignations. This removal of Mr. Calhoun's friends, from their position as the confidential advisers of the President, and the dispensers of official patronage, was followed by the most unequivocal evidences of the intention of Gen. Jackson to favor the interests of Mr. Van Buren. The latter gentleman was appointed Minister to England, in the summer of 1831.

The convention of the National Republicans, or Clay men, in New-York, was held on the 3d day of June, in accordance with the call. Peter R. Livingston, formerly a Democratic Senator from the Second District, officiated as President. Judge Spencer attended the Convention, at the request of the members, and delivered an able speech on the political topics of the day. In connection with Mr. Clinton, he had previously been a warm friend to Gen. Jackson, but after the appointment of Mr. Van Buren as Secretary of State, he took a decided stand in the opposition ranks.

Henry Seymour resigned the office of Canal Com-

missioner, in May, and Jonas Earll, Jr., of Onondaga, was designated by the Governor to fill the office during the recess. Mr. Earll was subsequently appointed by the Legislature.

The 4th day of June, 1831, witnessed the death of another President, James Monroe, formerly of Virginia, but at this time a resident of New-York.

The November election passed off quietly. In the Eighth District no exertion was made by the Jackson men, and in the eastern part of the State the opposition were equally careful not to exhibit their weakness. All the Senators chosen were Jackson men, except Mr. Birdsall of the Eighth District. The places of Messrs. Schenck, Todd, Warren, Sanford, Benton, Wheeler, Throop, and Porter, were filled by the election of Harman B. Cropsey, in the First District; Allan McDonald, in the Second; John W. Edmonds, in the Third; Josiah Fisk, in the Fourth; Robert Lansing, in the Fifth; John G. McDowell, in the Sixth; Jehiel H. Halsey, in the Seventh; and John Birdsall, in the Eighth. A large majority of the members of Assembly chosen this year, were Jackson men. The Anti-Masons again elected Messrs. Granger and Nicholas. George W. Patterson was chosen by the same party, in Livingston county. Mr. Livingston was returned from the city of New-York, in connection with Judah Hammond, John I. Morgan, Silas M. Stilwell, Myndert Van Schaick and others. Isaac R. Van Duzer was elected by the Democrats of the county of Orange. The most prominent National Republicans chosen, were John A. King of Queens county, and Jedediah Miller of Schoharie.



Charles L. Livingston was re-elected Speaker of the Assembly, at the annual Session in 1832. The Governor's message reiterated the same views in regard to the public policy, which he had formerly presented. The financial condition of the State was exhibited with much clearness and force. The style of this portion of the message was so far superior to the ordinary written productions of the Governor, that it was charged by his opponents, to have been drawn up by Mr. Wright, the Comptroller of the State. Most of the prominent ideas, doubtless, originated with that gentleman, yet it is not probable that Gov. Throop ever needed any assistance of the character suggested.

The Bank of the United States made application, at the session of Congress in the winter of 1832, for a renewal of its Charter. While this question was pending, it was thought best, by the friends of Gen. Jackson, that an expression of their views should be made by the New-York Legislature. Accordingly, Mr. Deitz, of the Third District, offered a joint resolution in the Senate, instructing the Senators, and requesting the Representatives, from this State, to oppose the re-chartering of the Bank. This resolution was ably supported by Messrs. Beardsley, Edmonds and Tallmadge, and opposed with equal zeal and ability by Messrs. Allen, Bronson, Maynard and Seward. It passed the Senate, by a vote of twenty to ten. All the Anti-Masons, except Mr. Tracy, who was not in his seat, and Messrs. Allen of New-York, Bronson of Oswego, and Rexford of Delaware, who belonged to the Jackson party, voted against the resolution. The resolution was adopted in the Assembly by the deci-

sive vote of seventy-five to thirty-seven. Messrs. Hammond, Livingston, Morgan, Stilwell and Van Schaick, of the New-York delegation, voted with the opposition members in the negative.

On the 28th day of February, Mr. Bronson reported a bill to the Senate, in conformity with the views of the Governor and Comptroller, authorizing a tax of one mill on the dollar to be levied annually for three years, on all the real and personal property in the State. The object of this tax was to restore the capital of the General Fund, which had been already encroached upon to a considerable extent. A large majority of the Senate, however, were of the opinion, that before the General Fund would be exhausted, there would be a sufficient surplus revenue from the canals, after paying all the cost of construction, to defray the ordinary expenses of Government; and the Chenango canal interest vehemently denounced the bill. It was advocated by Messrs. Bronson and Tracy, and opposed by Messrs. Beardsley, Maynard, Seward, and other Senators. The bill was lost in the end, by a strong vote. But five Senators, viz: Messrs. Bronson, Fish, Fuller, Halsey, and Tracy, voted in its favor.

Messrs. Wright, Flagg, Keyser, and the other State officers, were re-appointed by the Legislature at this session. A bill for constructing the Chenango canal passed the Senate—sixteen to fifteen; but it was lost in the House, by a vote of sixty-four to fifty-two. The Anti-Masonic members, and the Jackson men residing in the Chenango Valley, and a portion of the New-York delegates, voted for the bill.

The nomination of Mr. Van Buren, as Minister to

England, was discussed for several days in the United States Senate. Mr. Clay and Mr. Calhoun had for a long time been bitterly opposed to each other in regard to the Tariff question. The former was in favor of the system of protection, and the latter inveterately opposed to it. Both were anxious to secure the rejection of Mr. Van Buren, and a coalition was formed between them for that purpose. One of the features of this coalition was, the celebrated Compromise Act, which is understood to have originated entirely with Mr. Clay, although Mr. Calhoun has since publicly disputed it. By the terms of this act, the theory of protection was totally abandoned, although it was to be practically continued in force for several years. Mr. Van Buren was at length rejected, by the casting vote of the Vice President, Mr. Calhoun. On the reception of the intelligence at Albany, a meeting of the Jackson members of the Legislature was held, which was eloquently addressed by Mr. Tallmadge and others. Resolutions were also adopted, denouncing the conduct of the Senate in the strongest and most unqualified terms. "Indignation meetings," as they were termed, were held in all the principal cities and towns in the State. The enthusiasm of the Democratic party in New-York, and other States, was so powerfully excited in favor of Mr. Van Buren, that on his return home, public opinion at once fixed upon him as the most suitable candidate for the Vice Presidency; and he was soon after nominated for that office, in connection with Gen. Jackson for President.

Gen. Root made a speech during the session of Congress in the winter of 1832, indicative of a change

in his political views ; and he subsequently united with the opposition to the Jackson party.

The candidates selected by the National Republicans in the Union, were Henry Clay, for President, and John Sergeant, for Vice President. William Wirt and Amos Ellmaker, were nominated for the same offices by the Anti-Masonic National Convention.

The State Convention called by the Anti-Masons, met at Utica, on the 21st day of June, 1832. Francis Granger and Samuel Stevens were again nominated for the offices of Governor and Lieut. Governor. The electoral ticket adopted by the Convention, was headed with the names of James Kent and John C. Spencer. A National Republican Convention had also been called, but after the announcement of the Anti-Masonic nominations, it was regarded by the Jackson men as a mere *ruse*. The Clay men assembled in Convention, at Utica, on the 26th day of July. The only business transacted by the Convention, was the confirmation of the State and Electoral ticket, nominated by the Anti-Masons. This coalition, between the Clay men and Anti-Masons, was unsparingly attacked by the Democratic journals in the State. Threats, jeers, and taunts, were alternately employed, to induce some expression of opinion, on the part of the candidates named on the Electoral ticket, as to their preferences upon the Presidential question, but all these efforts were without avail. The electors were probably unpledged, and would have voted for Mr. Clay, in the first place ; or, if he could not have been elected, and there was a fair prospect for Mr. Wirt, they would have given their votes to that gentleman.

But the denunciations of the "Coalition" by the Jackson newspapers, were in a measure quieted, in view of the precarious situation of their own party. Gen. Jackson had vetoed the bill re-chartering the Bank of the United States, and all the influence of that powerful corporation was put forth to secure his prostration. The re-nomination of Gov. Throop, in this emergency, was out of the question, and he addressed a letter to the Herkimer Convention, which met on the 19th day of September, declining to be again brought forward as a candidate. The choice of the Convention then fell upon William L. Marcy, who received one hundred and thirteen of the one hundred and nineteen votes cast. The disaffected Democrats in the Chenango Valley were firmly secured by the nomination of John Tracy for the office of Lt. Governor. Mr. Livingston, it is said, signified his assent to this selection, and the Convention nominated him as one of the State Electors. All the candidates nominated on the Electoral ticket, were required to pledge themselves to vote for Gen. Jackson and Mr. Van Buren. Col. Young officiated as President of the Herkimer Convention. He had been regarded as an Adams man in 1828, but he afterwards came out in favor of the administration of Gen. Jackson, and was one of his most active supporters in 1832.

Mr. Maynard, one of the ablest members of the opposition party, and their most talented Representative in the New-York Senate, was seized with the Cholera while attending the session of the Court of Errors, in the city of New-York, and died on the 1st day of September.



W<sup>E</sup>. L. MARCY.

LITH. OF C. CURRIER, N. Y.

## CHAPTER XV.

1832—The State Election—Success of the Democratic ticket—Legislature of 1833—Passage of the Chenango Canal bill—James Porter—Levi Hubbell—Silas Wright, Jr., elected to succeed Gov. Marcy in the United States Senate—Azariah C. Flagg appointed Comptroller, and John A. Dix Secretary of State—Election of Mr. Tallmadge as a Senator in Congress—Result of the Presidential election—Removal of the public deposits from the Bank of the United States—Leonard Maison—Ebenezer Mack—Legislature of 1834—Samuel S. Bowne—Hiram Denio—Pressure produced by the United States Bank—"The Whig party"—William H. Seward and Silas M. Stilwell nominated in opposition to Marcy and Tracy in 1834—The November Election—Re-election of Governor Marcy—Edward Livingston—Prosper M. Wetmore—Robert Denniston—Preston King—Charles Humphrey—Thomas A. Tomlinson—Mark H. Sibley—Legislature of 1835—Suppression of small bills—Enlargement of the Erie Canal—William Campbell elected Surveyor General—Success of the Democratic party at the fall election—The Equal Rights, or Loco Foco party—John Hunter—James Powers—Micah Sterling—David Wager—The Abolition excitement—Legislative session of 1836—Increase of the State Debt—Samuel Nelson appointed Chief Justice, and Greene C. Bronson and Esek Cowen Associate Justices of the Supreme Court—Samuel Beardsley appointed Attorney General—Investigation into the conduct of Messrs. Kemble and Bishop, of the New-York Senate—Death of James Madison—Jesse Buel and Gamaliel H. Barstow nominated by the Whigs for Governor and Lieut Governor—Re-nomination and election of Marcy and Tracy—Martin Van Buren elected President of the United States—Samuel Works—Daniel S. Dickinson—Legislature of 1837—The General Banking Law—Opposition of the friends of Mr. Beardsley to the election of Mr. Wright—The Specie Circular—The Banking interest opposed to Mr. Van Buren's administration—Suspension of specie payments—Extra session of Congress—The Independent Treasury system—The November Election—Defeat of the Democratic party—Samuel B. Ruggles—Daniel D. Barnard—Legislature of 1838—Orville L. Holley appointed Surveyor General, and Dr. Barstow, Treasurer—Philo Gridley—State Conventions in 1838—Re-nomination of Marcy and Tracy—Wm. H. Seward and Luther Bradish nominated by the Whig party—1838.

THE position of Mr. Marcy, as a Judge of the Su-

preme Court, and his absence from the State, during the greater portion of the time that the friends of the Chenango canal were pressing their favorite measure with so much zeal and warmth, disarmed the hostility which they had formerly entertained toward a number of his political associates. He was not committed against the work, and his nomination, in connection with Mr. Tracy, was understood to be a peace-offering to the Democrats residing in the Chenango Valley, who very willingly abandoned Mr. Granger, after they had received assurances that a bill should be passed in accordance with their wishes, at the ensuing session of the Legislature. This desertion of Mr. Granger, by those for whom he had labored so long and so earnestly, was most unkind and ungenerous. For several years he had wooed the Chenango interest with unabated assiduity, encouraged by the hope of ultimately securing that political advancement which he constantly kept in view; and it must have been mortifying in the extreme, to be jilted, and thrust aside, on the eve of the anticipated victory, in order to make room for a more fortunate rival. But a political philosopher should not have been disappointed at this result. On the side of Mr. Granger, were the pledges faithfully kept, and the votes promptly given, which had utterly failed of accomplishing the darling object they were designed to secure; but, on the other hand, there was more than the recantation of old opinions, and the withdrawal of former opposition—there was the plighted faith of the very men who had formerly defeated the application—of the possessors and dispensers of power and patronage. Who could



have wondered, then, that the highest bidder in the political stock market should have carried off the prize ?

After the restoration of good feeling and harmony on the proposed line of the Chenango canal, the great difficulty, in the way of the success of the Democratic party, was removed. The New-York Enquirer, formerly the National Advocate, edited by Maj. Noah and James Watson Webb, came out against the Jackson ticket ; but the influence of the State banks was exerted in its favor, and the desire to do justice to Mr. Van Buren, and the popular enthusiasm aroused in behalf of Gen. Jackson, were irresistible, not only in New-York, but also throughout the Union. The majority for the Jackson Electoral ticket, was thirteen thousand six hundred and one. The majority for Mr. Marcy was not so large, as his opponent obtained nearly two thousand votes more than the Electors. The whole number of votes for Governor, was three hundred twenty-three thousand and eighty-two. Mr. Marcy received one hundred sixty-six thousand four hundred and ten, and Mr. Granger one hundred fifty-six thousand six hundred and seventy-two. In the county of Chenango, the majority for the Democratic candidates was upwards of two hundred, showing a difference of twelve hundred votes since the election in 1830. The Senators chosen this year, were Myn-dert Van Schaick, in the place of Stephen Allen, from the First District ; John Suydam, in the place of Samuel Rexford, from the Second ; Peter Gansevoort, in the place of Lewis Eaton, who resigned his seat in the spring of 1832, from the Third ; Louis Has-

brouck, in the place of John Mc Lean, Jr., from the Fourth; John G. Stower, in the place of William H. Maynard, deceased, from the Fifth; John F. Hubbard, re-elected from the Sixth; Samuel L. Edwards, in the place of Hiram F. Mather, from the Seventh; and John Griffin, in the place of Philo C. Fuller, from the Eighth. All the Senators elect, with the exception of Messrs. Hasbrouck and Griffin, were Jackson men. Of the members of Assembly chosen at this election, there were but about thirty Anti-Masons. Messrs. Livingston, Spencer, and Patterson, were returned from the counties of New-York, Ontario, and Livingston.

Maj. Noah, one of the editors of the New-York Courier and Enquirer, who had changed his position on account of the Veto of the United States Bank, resigned the office of Surveyor of the port, soon after the election, and was succeeded by Hector Craig, the only Clintonian member of Congress from this State who voted for Gen. Jackson, in 1825. Gov. Throop was appointed Naval Officer at the New-York Custom House, a few days before the expiration of his official term.

The New-York Legislature assembled on the first Tuesday in January, 1833. Charles L. Livingston was re-elected Speaker, and Francis Seger, Clerk. John C. Spencer was the opposing candidate for Speaker, and received twenty-two votes, to ninety-nine for Mr. Livingston. The message of Gov. Marcy was written in a clear and perspicuous style, but it avoided any positive expression of opinion in relation to the Chenango canal. The financial views advanc-

ed in the message, were nearly in accordance with those formerly advocated by Mr. Throop, and the Canal Commissioners; but, in alluding to the repeated applications which had been made for the construction of the proposed canal, he stated that examinations of the route had been made, and the practicability of the work well ascertained; and that, although the Canal Commissioners were confident that it would involve an expenditure of over one million of dollars, and could not yield sufficient to keep it in repair, and pay the expenses of collection, yet the engineers, and other persons who had carefully considered the subject, were of the opinion that it could be built at less expense, and would afford a substantial revenue. In concluding his remarks on this question, the Governor said: "It remains for you to decide upon these conflicting opinions. I commend this proposed work to your favorable notice, with the expression of a strong desire, that its merits may be found such as to induce you to authorize its construction." The friends of the canal were determined to lose no time in securing the promised reward for their services at the November election, and a bill was introduced, early in the session, providing for the construction of the work, without any restrictions or reservations, except that the Commissioners should take no water from the Oriskany or Sauquoit creeks. On the first day of February the bill passed the House, by a vote of seventy-nine to forty, and on the 21st of that month, it was carried through the Senate, seventeen to ten, and soon after became a law. Several members of the Legislature, who had previously op-

posed the measure, voted for the bill—alleging as a reason, that if they did not pass it, their successors would. Col. Young, and a majority of the Canal Commissioners, maintained their opposition throughout; and Messrs. Spencer, Tracy, Seward, and Patterson, of the Anti-Masonic party, voted against the bill.

The Democratic party in the State of New-York were never more thoroughly organized, than in the winter of 1833. Their acknowledged leader, Mr. Van Buren, was Vice President elect, and a candidate for the succession. Mr. Marcy was at the head of affairs in the State, and he was surrounded by a number of able advisers, who were said, by their opponents, to constitute the Albany Regency. The individuals understood to be included in this designation, were Messrs. Wright, Flagg, Croswell, Knowler, Dix, and James Porter, then the Register of the Court of Chancery. After the resignation of Mr. Marcy, as a Senator in Congress, it was deemed highly important that his place should be filled by a cautious, shrewd, and talented man, and a confidential friend of Mr. Van Buren. For this reason, the general choice of the party fell upon Silas Wright, Jr., who was elected without serious opposition; indeed, the only objection made to that gentleman emanated from a few politicians residing in the counties of Oneida, Madison, Chenango, and Broome, who were somewhat displeased with the views in regard to the public works, and the financial policy of the State, which he had advocated in his annual reports as Comptroller. The office vacated by Mr. Wright, was conferred

on Azariah C. Flagg, the present incumbent, and John A. Dix was appointed Secretary of State. Levi Hubbell, a young lawyer of fine abilities, from Canandaigua, was appointed Adjutant General, in the place of Gen. Dix.

On the 2d day of February, a caucus of the Democratic members was held, in order to nominate a candidate for United States Senator, in the place of Mr. Dudley, whose term of service expired on the 4th day of March. There were, originally, three candidates before the caucus, viz: Nathaniel P. Tallmadge, Jacob Sutherland, and Benjamin F. Butler. There was no choice on the first ballot, and the name of Judge Sutherland was then withdrawn. Mr. Tallmadge was supported by Mr. Knowler, and other friends of the protective system, and was finally nominated over Mr. Butler, by seven majority. A portion of the Democratic members were not disposed to concur in the nomination of Mr. Tallmadge, and expressed their doubts as to his political integrity. When the subject was brought up, the next day, in the Legislature, these gentlemen opposed the election of Mr. T., on the ground that he was constitutionally ineligible, because he was then a member of the Legislature. Messrs. Sherman and Westcott, of the Senate, and Messrs. Varian, Spencer, and others, in the House, raised this objection, and pressed it with much earnestness; but the majority were against them. Mr. Tallmadge received eighteen votes in the Senate; Francis Granger, six; and Mr. Butler, two: the vote in the House stood, sixty-nine for Tallmadge, twenty-five for Mr. Granger, and twelve for Mr. Butler.

Messrs. Cropsey and Quackenboss, of the Senate, and nearly twenty of the Democratic members of the House, absented themselves, or neglected to vote. The votes given for Mr. Butler, in the two Houses, did not receive his approbation, and it was understood that he did not desire to be a candidate before the caucus.

On canvassing the returns from the Electoral Colleges, it appeared that Andrew Jackson had received two hundred and nineteen votes for President; Henry Clay, forty-nine; John Floyd, eleven; and William Wirt, seven. Martin Van Buren received one hundred and eighty-nine votes for Vice President; John Sergeant, forty-nine; William Wilkins, thirty; Henry Lee, eleven; and Amos Ellmaker, seven.

Before the adjournment of the New-York Legislature, an act was passed, authorizing the appointment of an additional Canal Commissioner, and Michael Hoffman, then a member of Congress from the county of Herkimer, was selected to fill the office.

The excitement in the public mind, in regard to the Tariff question, which had mainly subsided after the passage of the Compromise Act, was renewed, by the veto of the bill providing for the renewal of the charter of the United States Bank. The powerful efforts made by this corporation, to affect the Presidential election, in some degree impaired its standing; and the President advised Congress, at the winter session, that he considered it an unsafe depository of the public money. Nothing definite was done by the National Legislature, and in the summer of 1833, he decided to make the removal, on his own re-

sponsibility. Mr. Duane, the Secretary of the Treasury, refused to concur in the wishes of the President, and he was himself removed, to make room for Roger B. Taney, then Attorney General of the United States, and the present Chief Justice of the Supreme Court. The public deposits were withdrawn from the United States Bank and its branches, in the month of October, and the contest between the friends of that institution and the supporters of the administration again commenced with redoubled asperity and violence. Great exertions were made to bring this question to bear upon the State election in November, but without effect. The Democrats succeeded in every Senatorial District in the State, with the exception of the Eighth, by large majorities; and the majority for Albert H. Tracy, who was re-elected in the Eighth District, was only one hundred and sixty-five. The other Senators elected this year, were, Charles L. Livingston, in the place of Alpheus Sherman, from the First District; Leonard Maison, in the place of Nathaniel P. Tallmadge, from the Second; John C. Kemble, in the place of William Deitz, in the Third; Isaac W. Bishop, in the place of Isaac Gere, from the Fourth; Francis Seger, in the place of Alvin Bronson, from the Fifth; Ebenezer Mack, in the place of Levi Beardsley, from the Sixth; and Thomas Armstrong was re-elected in the Seventh District. The Democratic majority in the House, was overwhelming; there being but twelve or fifteen opposition members elected.

In November, 1833, Benjamin F. Butler was appointed Attorney General of the United States, in the place of Mr. Taney. On leaving Albany, a letter

was addressed to Mr. B., signed by Stephen Van Rensselaer, Abraham Van Vechten, Harmanus Bleecker, and a large number of other respectable and eminent citizens, expressing their "high estimation of his character and talents," and their regret for the loss of a personal intercourse with him, and of his "valuable services" in promoting "the interests of the city and State."

The Legislature assembled on the 1st day of January, 1834. William Baker, Jr., of Otsego county, was chosen Speaker, and Philip Reynolds, Jr., was elected Clerk. Eight bank charters had been granted, under the Safety Fund law, at the previous session, and large additions were made to the capital stock of several banks then in existence. Notwithstanding this large increase of the banking capital of the State, the Governor stated in his message, that notices had already been given that one hundred and five applications for charters would be made at this session. A considerable number of these applications received the favorable consideration of the Legislature, but the majority of them were either rejected, or remained undisposed of, at the time of the adjournment.

A resolution approving of the removal of the deposits was introduced into the Assembly, and passed that body by a large majority. Mr. Seward, and other opposition Senators, resisted the passage of the resolution in the Senate, and it was supported by Messrs. Sudam, Edmonds, Dodge, and others. The discussion closed with the adoption of the resolution, by a vote of twenty-three to five. Mr. Lynde, who



was elected by the Anti-Masons of the Sixth District, in 1830, voted with the majority. An attempt was made at this session, by Samuel S. Bowne, a member of the Assembly from Otsego, to procure the passage of a law abolishing capital punishment, but it was rejected in the House by a large majority.

Nathan Williams, Judge of the Fifth Circuit, reached the age limited by the Constitution, this winter, and Samuel Beardsley was appointed to succeed him. Mr. Beardsley was at that time an efficient Democratic member of Congress, from the Oneida District; and the friends of the National Administration persuaded him to decline the appointment. The office was afterwards bestowed on Hiram Denio, also of the county of Oneida.

The Bank of the United States curtailed its loans at a rapid rate, after the removal of the deposits, with the expectation of producing so powerful a pressure in the money market, that the indignation of the public would be aroused against the administration of Gen. Jackson. A severe panic was produced, and the State banks began to entertain fears for their safety. Their condition was made known to the Governor, and on the 22d day of March, he sent a special message to the Legislature, recommending that State stock, to the amount of five or six millions of dollars, should be issued, and loaned to the banks, provided they required such assistance. A law was passed, in accordance with the suggestion of the Governor, which was termed the "Marcy Mortgage" by his opponents, and formed one of the principal topics discussed during the ensuing Gubernatorial canvass.

This prompt action of the New-York Legislature, was followed by a change of action on the part of the United States Bank. Instead of making preparations for closing up its business, it commenced extending its loans, and increasing its circulation, far beyond the former limits.

The opposition party, in the city of New-York, assumed the name of "Whigs," in the winter of 1834, and this designation was soon after applied to their political friends, as a body, throughout the State. The institution of Masonry had almost ceased to exist, and the Anti-Masons generally united with the National Republicans, under this new cognomen. The charter election in New-York, came off in the midst of the panic, and it was warmly contested by the two parties. Cornelius W. Lawrence, the Democratic candidate, received but two hundred and thirteen majority over Gulian C. Verplanck, who was supported by the Whig party.

The Whig State Convention, in 1834, selected William H. Seward as their candidate for Governor, and Silas M. Stilwell, formerly a Democratic member of the House, for Lieut. Governor. The successive defeats Mr. Granger had experienced, led to the withdrawal of his name; and expectations were indulged that the party might succeed, with an entire new ticket. Considerable enthusiasm in favor of Mr. Seward was exhibited, especially on the part of the younger members of the Convention, and the opening of the campaign did not appear very favorable to the Democratic party. Among the resolutions adopted by the Whig Convention, was one in favor of re-

stricting, or suppressing, the circulation of bank notes of the smaller denominations.

Messrs. Marcy and Tracy were nominated for re-election by the Herkimer Convention, on the 10th day of September, by nearly an unanimous vote; there being but two dissenting voices.

The union of the Anti-Masons and National Republicans, in 1834, was not followed by the result which was probably anticipated. The Democratic candidates for Governor and Lieut. Governor succeeded by a still larger majority than they received in 1832. Over three hundred and fifty thousand votes were given for the office of Governor. Mr. Marcy received one hundred eighty-one thousand, nine hundred and five; and Mr. Seward one hundred sixty-eight thousand, nine hundred and sixty-nine. The Democrats carried seven of the eight Senatorial Districts, and elected over ninety members of Assembly. The Senators elected this year were, Coe S. Downing, from the First District, in the place of Jonathan S. Conklin; John P. Jones, from the Second, in the place of David M. Westcott; Abraham L. Lawyer, from the Third, in the place of Herman I. Quackenboss; Jabez Willes, and Samuel Young, from the Fourth, to succeed William I. Dodge, and Louis Hasbrouck; Abijah Beckwith, from the Fifth, in the place of Henry A. Foster; Levi Beardsley, from the Sixth, in the place of Charles W. Lynde; Chester Loomis, from the Seventh, in the place of William H. Seward; and Isaac Lacy, and Chauncey J. Fox, from the Eighth District, to succeed Trumbull Cary, and John Birdsall. Messrs. Fox and

Lacy were the only Whig Senators chosen at this election. The most prominent Democrats elected to the Assembly, were Edward Livingston, of Albany; Charles P. Clinch, James I. Roosevelt, Jr., and Prosper M. Wetmore, of New-York; Lemuel Stetson, of Clinton; David Wager, of Oneida; Sanford C. Parker, and John Wilkinson, of Onondaga; Robert Denniston, of Orange; Preston King, of St. Lawrence; and Charles Humphrey, of Tompkins. On the other side were, William A. Moseley, of Erie; Thomas A. Tomlinson, of Essex; Asa Hascall, of Franklin; George W. Patterson, of Livingston; and Mark H. Sibley, of Ontario.

The venerable Simeon De Witt, Surveyor General of the State, died in the month of December, 1834, lamented by all classes and parties of his fellow citizens.

The annual session of the Legislature commenced on the 6th day of January, 1835. Charles Humphrey, the democratic candidate for Speaker, was elected over Mr. Sibley, by sixty majority. The Governor recommended in his message, the enlargement of the Erie canal, and the suppression of the circulation of bank notes under five dollars. He also referred to the course of the United States Bank, and sustained the veto of Gen. Jackson, and the removal of the deposits. Early in the session, a bill was introduced into the Senate, providing for the gradual suppression of all bank notes less than five dollars, which passed without opposition. Messrs. Kemble and Halsey, both Democrats, were the only Senators who voted in the negative. The vote in the Assembly was also

nearly unanimous; there being but nine votes against the bill. Bills authorizing the construction of the Black River, and Genesee and Olean canals, were both defeated in the Senate this winter, by large majorities. This extreme caution in augmenting the State debt, was of short duration, and before the adjournment, an act was passed, entitled "an Act in relation to the Erie canal," by the terms of which the Canal Commissioners were "authorized and directed to enlarge and improve the Erie canal, and to construct a double set of lift locks therein," as soon as the canal board were of the opinion that the public interest required such improvement.

A joint resolution, introduced by Col. Young, instructing the Senators from this State in Congress, to vote for expunging the resolution censuring Gen. Jackson for removing the deposits from the bank of the United States, was adopted by the Legislature this winter, after an animated discussion, in which all the leading members of both parties participated.

The veto of the United States Bank opened the door for a large increase of the State Banks throughout the Union. In New-York, especially, the Legislature was constantly beset with applications, and a large number of charters were granted at every session. In many instances, the most corrupt practices were resorted to, in order to secure the passage of these bills; and investigation after investigation was ordered by the Legislature, all of which but tended more conclusively to establish this alarming fact. After the selection of the State banks as the depositories of the public revenue, and the consequent in-

crease of their profits, the mania for new charters in this State extended itself farther and wider. The Legislature of 1835 was overburthened with petitions, and almost every measure of importance was made to depend on the fate of a favorite bank bill. Attempts were made, by Col. Young and others, to repeal the restraining law, and throw the business of banking open to competition; but all their efforts proved wholly ineffectual.

William Campbell, of the county of Otsego, was elected Surveyor General of the State, at this session, in the place of Simeon Dewitt, and John Bowman was appointed a Canal Commissioner. The latter office was at first tendered to Heman J. Redfield, who declined accepting it. On the 13th day of April an act was passed, providing for the establishment of a library in each school district in the State. The passage of this bill was indebted, in a great degree, to the active exertions of the late James Wadsworth, of Genesee, a munificent patron of the cause of education, and of Col. Young and Levi Beardsley of the State Senate.

The election in November, 1835, occasioned but little excitement. The whigs had become somewhat dispirited, and the general prosperity of the country, now that banking facilities were within the reach of all, and every kind of business was transacted on credit, had the tendency to produce a feeling of comparative quiet and content. There was no room to find fault with the National and State Administrations, and the public appeared to rest entirely satisfied with the existing order of things. The legislation

of the State, however, in regard to bank charters, was the subject of great complaint.

In the summer of 1835, a party which claimed to be opposed to all monopolies, to bank notes and paper money as a circulating medium, and to legislative prerogatives, was formed in the city of New-York, by Moses Jacques, Alexander Ming, Jr., F. Byrdsall, Levi D. Slamm, John Windt, James L. Stratton, and others, who called themselves "The Equal Rights party." A majority of the Equal Rights men were Democrats, and in consequence of their dissatisfaction at the nomination of Gideon Lee as the Democratic candidate for Congress, and of four other gentlemen on the Assembly ticket, they rallied in great force, at the meeting held in Tammany Hall to receive the report of the nominating committee. The old Tammany men supported Isaac L. Varian for Chairman, and the Equal Rights men presented Joel Curtis. Each faction claimed that its candidate was elected, and a scene of complete disorder and confusion ensued, in the midst of which the gas lights in the Hall were extinguished. The Equal Rights men had provided themselves, in anticipation of this result, with loco foco matches and candles, and the room was almost instantly re-lighted. The ticket selected by the committee, was adopted and supported by the great majority of the Democratic party, but the Equal Rights men refused to concur in the proceedings, and afterwards nominated Charles G. Ferris as their candidate for Congress, and substituted Job Haskell, John W. Vethake, John Windt, and Rodney S. Church, for Benjamin Ringgold, George Sharpe, Ezra S. Conner,

and Jesse West, who were on the regular ticket. Soon after this disturbance, the Equal Rights men, or Anti-Monopolists, received the name of Loco Focos ; and this appellation was subsequently bestowed on the whole Democratic party, by the leading presses and politicians in the opposite ranks. The Equal Rights ticket received four or five thousand votes, but all the regular Democratic candidates were elected.

In the other counties of the State, there was but very little change since the election in 1834. The Democrats carried all the Senate Districts, except the Eighth, and elected a large majority of the members of the lower house. Henry Floyd Jones was elected in the First Senatorial District, in the place of Harman B. Cropsey. John Hunter, and Ebenezer Lounsbury, were chosen in the Second, to succeed Allen McDonald, and John Suydam, deceased ; James Powers was elected in the Third, in the place of John W. Edmonds ; David Spraker, in the Fourth, in the place of Josiah Fisk ; Micah Sterling, and David Wager, in the Fifth, in the place of Robert Lansing, and John G. Stower, resigned ; George Huntington, in the Sixth, in the place of John G. McDowell ; John Beardsley, in the Seventh, in the place of Jehiel H. Halsey ; and Chauncey J. Fox was re-elected in the Eighth District.

Considerable excitement prevailed in New-York, and other States, during the summer and fall of 1835, in relation to the societies which had been formed for the abolition of slavery. Large quantities of anti-slavery documents were issued by these associations, and itinerant lecturers were employed by them to



arouse the public mind against what they alledged to be a growing and formidable evil. Mobs and riots occurred in almost all the principal cities of the Union, and, in many instances, the meetings called by the Abolitionists were dispersed by violent means. A Democratic National Convention was held in May, 1835, at which Mr. Van Buren was unanimously nominated for the Presidency. Richard M. Johnson was selected as the candidate for Vice President, by ninety-one majority over William C. Rives. The Whig party were not united on the Presidential question. In the Northern and Western States, Gen. Harrison was the favorite candidate, while a majority of the Southern States preferred Hugh L. White, of Tennessee. Great efforts were made to prejudice the minds of the Southern Democrats against Mr. Van Buren, by means of the abolition excitement; and the Whigs appeared to conduct the canvass, throughout, upon the Machiavelian doctrine of 'divide and conquer.'

The Legislature of New-York assembled on the 5th day of January, 1836, and all eyes were anxiously turned toward Gov. Marcy, who, from his well known intimacy with Mr. Van Buren, was expected to promulgate that gentleman's views upon the slavery question. Charles Humphrey was re-elected Speaker of the House this winter.

The message of the Governor animadverted upon the course of the Abolitionists, with great severity, as tending to create future sectional jealousies, and 'disturb the harmony of the Union.' The Governor also referred to the "unregulated spirit of speculation, in stocks and real estate," which prevailed in the community,

and which had grown out of the large addition made to the banking capital of the State ; and he recommended that the Legislature should carefully avoid encouraging this spirit of speculation, by any incidental measures they might find it necessary to adopt, for the purpose of repairing the injuries it had done to the business concerns of the State. In regard to the public works, the Governor stated that the General Fund was entirely exhausted ; that the Chenango canal would cost double the original estimate ; that the enlargement of the Erie canal would involve an expenditure of twelve millions of dollars ; and that he felt bound to protest against pledging the credit of the State for further improvements, until ample means had been provided for the prompt payment of the interest.

After the appearance of the Governor's message, the leading Whig papers in the State taunted the Democratic party with the base betrayal of the interests of their constituents, in not suffering the trade of the Western States to be diverted from its natural channel through New-York, on account of the insufficiency of the means of transportation ; but it hardly required even this spur, to arouse the feeling which was shared by nearly all the members of the Legislature, in common with a great majority of their constituents. This was the era of improvement. No matter how visionary a project might be, it only commended itself the more to public favor. Both parties in the State were determined on running a race for popularity. So long as they themselves incurred no responsibility, it was an easy matter for Senators and mem-

bers of Assembly to vote away the credit of the State and pledge the public faith for millions of dollars without bestowing a single thought on its redemption. Col. Young, David Spraker, and a few other members of the Legislature, endeavored in vain to resist the current which was bearing every thing before it. Laws were passed at the session of 1835, loaning three millions of dollars to the New-York and Erie Railroad, and authorizing the construction of the Black River and Genesee Valley canals.

Judge Sutherland resigned his seat on the bench of the Supreme Court, in the fall of 1835, and Greene C. Bronson, the Attorney General of the State, was appointed to fill the vacancy. During the session of the Legislature, Chief Justice Savage also handed in his resignation. Judge Nelson was soon after appointed Chief Justice, and Esek Cowen Associate Justice. John Willard, of Washington county, was appointed Judge of the Fourth Circuit, in the place of Judge Cowen; and the office of Attorney General was conferred on Samuel Beardsley, of Oneida. A law was passed at this session, authorizing the appointment of an additional Canal Commissioner; and William Baker, formerly Speaker of the Assembly, was chosen to fill the office.

A short time before the adjournment, Mr. Kemble, a Senator from the Third District, and Mr. Bishop, from the Fourth, were charged with being concerned in immoral and fraudulent speculations in stocks, with corruption in delaying the passage of the bill to complete the New-York and Harlaem Railroad, and with having a dishonorable connection with Mr. Bar-

tow, the Cashier of the Commercial Bank, at Albany, who had absconded with a large amount of the funds of that institution. An investigation of the facts was forthwith ordered, and a voluminous mass of testimony taken on the subject. It was contended on the part of the accused, by their counsel, Henry R. Storrs, that the Senate could not decide upon the charges preferred, except as a court for the trial of impeachments, and upon articles duly presented by the Assembly. Mr. Maison, and eight other Senators, concurred in this view of the case, but the majority were of the contrary opinion. Mr. Kemble resigned his seat before any definite vote was taken. A resolution, declaring that Mr. Bishop had been guilty of moral and official misconduct, was then adopted in the Senate, by a vote of twenty-one to seven. A second resolution, to expel Mr. Bishop, was lost; twelve Senators voting in the affirmative, and sixteen in the negative. Mr. Bishop immediately resigned his seat; and, on the next day, Col. Young, and Mr. Van Schaick, also communicated their resignations, stating that they could no longer remain in a body who were willing to retain, as fellow members, persons whom they had "declared to be guilty of moral and official misconduct."

James Madison died at Montpelier, in Virginia, on the 30th day of June, 1836.

The leading Whigs in the State became satisfied, long before the election, that they must inevitably fail in any attempt to defeat the Democratic ticket. Jesse Buel, of Albany, and Gamaliel H Barstow, were selected as their candidates for Governor and Lieu-

tenant Governor, by the Whig State Convention. The individuals named as Presidential Electors, were friendly to Gen. Harrison. Messrs. Marcy and Tracy were again unanimously nominated, by the Democratic Convention held at Herkimer; and a Van Buren Electoral ticket was also put in nomination. Early in the summer, the Equal Rights party in the city of New-York, appointed a committee to address Col. Young, and request his opinion in relation to their principles, and, in case of a favorable answer, to assure him of their intention to support him as their candidate for Governor. Col. Young replied to this communication, on the 5th of August, expressing his approbation of their doctrines, with the exception of that of "uncompromising hostility to bank notes, and paper money, as a circulating medium;" but he peremptorily declined being a candidate for Governor, and censured them for separating from the Democratic party. The Equal Rights men were determined to keep up their distinct organization; and on the 15th day of September, they held a State Convention at Utica. Isaac S. Smith, of Buffalo, was nominated as their candidate for Governor, and Moses Jacques, of New-York, for Lieutenant Governor.

All the Democratic papers in the State, with the exception of the New-York Evening Post, at that time edited by William Leggett and William C. Bryant, both fearless and uncompromising politicians, and the Utica Democrat, then under the management and control of John G. Floyd, afterwards a member of Congress from the county of Oneida, attacked the Loco Focos, with unusual asperity. In the First and

Fifth Senatorial Districts, the Democratic party became seriously divided. Frederick A. Tallmadge was nominated in the former District, as the Loco Foco candidate, upon his signing a pledge "to support and carry out the principles of the Equal Rights party;" and Stephen Hasbrouck, Edward Curtis, James Monroe, and Ely Moore, were selected to compose the Congressional ticket. Messrs. Curtis and ✓ Monroe were Whigs, but were pledged to support the Equal Rights doctrines. An Assembly ticket was also adopted, consisting of Clinton Roosevelt, Robert Townsend, Jr., and others. Messrs. Tallmadge, Curtis, Monroe, Roosevelt, and Townsend, were soon after nominated for the same offices by the Whig party. In the Fifth Senatorial District, Samuel Comstock, who had formerly belonged to the Democratic party, was nominated for Senator, by the Loco Focos in the District, in opposition to Mr. Wager, who was said to be too deeply interested in banking institutions; and an Assembly ticket was afterwards selected, by the same party, in the county of Oneida. Both these nominations were endorsed and adopted by the Whig party in the district and county.

Notwithstanding these divisions in the Democratic party, the Whigs made but little exertion, out of the First and Fifth Districts. More than fifty thousand voters in the State remained away from the polls. The majority for the Van Buren Electors was nearly twenty-eight thousand. The whole number of votes cast for Governor, was three hundred six thousand two hundred and sixty-six; of which Mr. Marcy received one hundred sixty-six thousand one hundred

and twenty-two; Mr. Buel received one hundred thirty-six thousand six hundred and forty-eight; and Mr. Smith three thousand four hundred and ninety-six. In the First Senatorial District, Frederick Tallmadge was elected, in the place of Myndert Van Schaick; and Samuel Works was chosen, by the Whigs in the Eighth District, to succeed Mr. Griffin. Samuel Young, David Wager, and Samuel L. Edwards, were re-elected, in the Fourth, Fifth and Seventh Districts. The remaining Senators were Henry H. Van Dyck, from the Second District, in the place of Mr. Lounsbury; Noadiah Johnson, from the Third, in the place of Peter Gansevoort; and Daniel S. Dickinson, from the Sixth, in the place of Mr. Hubbard. The two Whig candidates for Congress in the city of New-York, supported by the Equal Rights men, and Messrs. Cambreleng and Moore on the Democratic ticket, who also received a large number of votes from the same quarter, were elected. The regularly nominated ticket for the Assembly, on the Democratic side, also succeeded, with two or three exceptions. Mr. Roosevelt and Mr. Townsend, of the Equal Rights party, obtained a majority, with the assistance of the Whig vote. In the county of Oneida, the Anti-Bank candidates were elected.

The whole number of Electoral votes in the Union, at this time, was two hundred and ninety-four. Mr. Van Buren received one hundred and seventy; Gen. Harrison, seventy-three; Judge White, twenty-six; Daniel Webster, fourteen; and Willie P. Mangum, eleven. The Democratic party in Virginia, who had supported Mr. Rives for the Vice Presidency, refused

to vote for Col. Johnson, and thus prevented a choice by the Electoral Colleges; but he was afterwards chosen by the Senate.

Mr. Hubbell resigned the office of Adjutant General toward the close of the year, and soon after changed his political associations. Gov. Marcy appointed Allen McDonald, formerly a Senator from the Second District, as his successor.

The Legislature commenced its annual session on the first Tuesday of January, 1837. Edward Livingston was chosen Speaker. He received eighty votes for the office, and Luther Bradish twenty-seven. The Governor's Message reiterated the same sentiments he had formerly expressed, in relation to the financial policy of the State, but did not assume any very decided position in relation to the enlargement of the Erie canal. He recommended the modification of the Restraining law, so as to authorize private individuals to receive deposits and make discounts, and a bill was afterwards introduced, and passed both houses of the Legislature, in accordance with this suggestion.

Immediately after the organization of the Assembly, the war against the banking institutions of the State was commenced, by Messrs. Cutting, of New-York; Robinson, of Oswego; and King, of St. Lawrence. A committee of investigation was appointed, who examined into the condition of a large number of banks, and the means which had been employed to procure their charters. The developments made during the progress of this inquiry, were very far from being calculated to elevate the character of the legislation of



the State; and it soon after became evident, that the existing monopoly, which had proved a powerful engine in the hands of the dominant party, would receive but little farther encouragement. An attempt to pass a general bill, "authorizing associations for the purpose of banking," was made at this session. It was lost in the Senate, by a vote of sixteen to nine; and a similar bill, originating in the House, was declared to be unconstitutional by Mr. Beardsley, the Attorney General. Messrs. Livingston, Sterling, Tallmadge, Tracy, and Young, of the Senate, supported this measure, but the whole influence of the chartered banks was exerted to defeat it. This same interest also endeavored to defeat the re-election of Mr. Wright to the United States Senate. The specie circular of Gen. Jackson, issued in 1836, and the opposition of Mr. Wright, and Mr. Van Buren's intimate friends, to the passage of the bill distributing the surplus revenue, were regarded as indications of sympathy with the Anti-Monopolists in the city of New-York. The friends of an extensive system of internal improvements, and those members of the Democratic party in Oneida, and other counties, who had favored the construction of the Chenango canal, did not approve of the financial policy advocated by Gov. Throop and Mr. Wright. The State officers, themselves, were divided on this question. Messrs. Flagg and Dix coincided with Messrs. Throop and Wright; while Mr. Beardsley, and others, assumed the opposite ground. Gov. Marcy was understood to occupy an intermediate position. This difference of opinion formed the germ of subsequent divisions in the Democratic party, the

effects of which are still visible in the politics of the State.

At the caucus for the nomination of a candidate to be supported for the office of United States Senator, the name of Samuel Beardsley, the Attorney General, was brought forward, and warmly urged by his friends; but Mr. Wright received a large majority of the votes, notwithstanding the influences arrayed against him, and was declared unanimously nominated. He was re-elected on the following day, by the Legislature: he received twenty-six votes in the Senate, and eighty-six in the lower house. Mr. Keyser was also re-elected Treasurer of the State, by nearly the same vote.

The specie circular of 1836, the withdrawal of the surplus revenue from the banking capital of the Atlantic cities, for the purposes of the distribution, and the heavy demand for specie to meet the payments becoming due for the immense amount of goods unwisely imported from Europe, occasioned a severe embarrassment in the money market, and ultimately led to the suspension of specie payments, by all the banks in the Union. Previous to this time, the Bank of England had commenced curtailing its discounts, and the pecuniary pressure was general throughout the world, but in no country was it more severe than in our own. "The unregulated spirit of speculation," to which Gov. Marcy on several occasions directed the attention of the Legislature, had produced the very fruits which were long before predicted; and nothing now remained to be done, but to protect the interests of the country from the complete prostration with

which they were threatened. Under the existing law, the Safety Fund banks were liable to lose their charters, and to have their effects put in the hands of receivers, as soon as they suspended specie payments ; but as the Legislature was still in session, an act was passed, on the 16th day of May, suspending those provisions of the law for one year. Col. Young and Mr. Willes, were the only Senators who voted against the bill ; and there were but nineteen nays in the Assembly. Mr. Tracy also introduced a bill, providing for the suspension of the act prohibiting the circulation of small bills, which was opposed by Mr. Loomis and Col. Young, and supported by Messrs. Beardsley, Livingston, Maison, and Sterling. On taking the question, the bill was lost, by a vote of fifteen to thirteen.

The corporation election in the city of New-York, took place in the midst of the excitement growing out of the pressure, and resulted in the success of Aaron Clark, the Whig candidate for Mayor, by about three thousand majority over John I. Morgan, the nominee of the Democratic party. Moses Jacques was supported by the Loco Focos, and received more than four thousand votes.

During the winter and spring of 1837, the Washington Globe, which was regarded as Mr. Van Buren's organ, and the New-York Evening Post, reflected with considerable severity upon the conduct of the State banks, and a feeling of hostility on their part, toward the National Administration, was soon engendered. It was charged against the President and his friends, that they were determined to overthrow

the banking institutions of the country, and prostrate the credit system. Symptoms of dissatisfaction in the Democratic ranks began to be visible, and the leaders of the party, in Albany, soon discovered that their views were not altogether harmonious. Gov. Marcy, Mr. Croswell, and Mr. Beardsley, did not entirely concur in the course of Mr. Van Buren, but they afterwards fell in with the great body of the party in the support of the administration.

An extra session of Congress was called by the President, to convene on the 4th day of September. The two houses assembled in accordance with the proclamation, and the President immediately sent in a message, reviewing the pecuniary condition of the country, and recommending the establishment of the Independent Treasury system. Messrs. Rives, of Virginia, and Tallmadge, of New-York, in the Senate; and Messrs. John C. Clark, Henry A. Foster, and Isaac H. Bronson, Representatives from this State, in the other House, refused to concur in the Executive recommendation. Thomas Allen, the editor of the *Madisonian*, a paper started by several influential members of the Democratic party in New-York, and other States, in opposition to the *Globe*, was elected Printer to the House, by the votes of the Whig members, and the opponents of the Independent Treasury, who were called Conservatives. Mr. Tallmadge and Mr. Clark, shortly after separated entirely from the Democratic party: Mr. Foster and Mr. Bronson, who were understood to represent the views of Mr. Beardsley and his friends, preserved their position as supporters of the administration, although they did not

concur in many of its leading measures. Gov. Marcy and Mr. Croswell, were at first inclined to oppose the Independent Treasury, but they subsequently gave a cordial support to Mr. Van Buren, and the former signified his approbation of the measure, in his next annual Message to the Legislature.

The Equal Rights party continued to keep up their organization during the summer of 1837, and in the month of September, they held a convention at Utica, and adopted a constitution for the State, embodying their ideas of the proper functions of government. Among other provisions of this instrument, were the following :

“The Legislature shall not charter or create any corporate or artificial body, nor confer on any individual or company, either exclusive advantages or special privileges.

“The Legislature shall not borrow money or contract loans, in the name of the people; but it may submit bills, authorizing public loans, to the people, which bills shall become binding when ratified by a majority of the voters at a general election.”

After the appearance of Mr. Van Buren's message to Congress, and after it had become evident that the influence of the banking interest, in the State and nation, would be exerted against him, the Loco Focos manifested a desire to unite with the Democratic party; and the amalgamation was perfected in the city of New-York, in October of this year.

The inconvenience felt, in consequence of the suppression of the circulation of small bills, was very great, in the summer and fall of 1837. The State

was flooded with large quantities of foreign notes, a great proportion of which were worthless, and a general feeling of dissatisfaction pervaded the community. The banks were gradually curtailing their circulation, and diminishing their liabilities; and, as a natural consequence, the universal distress was heightened, rather than alleviated, by the course they were compelled to adopt. All these circumstances combined, tended strongly to prejudice the minds of the people against the State and National administrations.

✓ The Abolitionists, also, had been quite unfriendly toward Mr. Van Buren and his friends, ever since he had declared, in his Inaugural Message, that no bill providing for the abolition of slavery in the District of Columbia, should receive his approbation; and in several counties they manifested an intention to support the opposition candidates. The Whig party in the State were emboldened by the disastrous condition of the Democrats, to make vigorous exertions at the November election. The result astounded every body, except those who had philosophically prepared themselves for anything.

✓ The Whigs completely swept the State: they elected one hundred and one, of the one hundred and twenty-eight members of Assembly, and carried all the Senatorial Districts, except the Third, which they lost by a small majority, and the Fifth. Gulian C. Verplanck was chosen from the First Senatorial District; Henry A. Livingston, from the Second; Edward P. Livingston, from the Third; Martin Lee, from the Fourth; Avery Skinner, from the Fifth; Laurens Hull, from the Sixth; John Maynard, from the Seventh; and William A. Moseley, from

the Eighth District. Several of the most talented members of the Whig party in this State, were elected to the Assembly. Among others, were David B. Ogden and Samuel B. Ruggles, of New-York; Daniel D. Barnard, of Albany; Luther Bradish, of Franklin; Jedediah Miller, of Schoharie; Fortune C. White, of Oneida; James R. Lawrence, of Onondaga; Henry W. Taylor, of Ontario; and Peter B. Porter, Jr., of Niagara. The Democrats elected Abijah Mann, Jr., in Herkimer; Preston King, in St. Lawrence; and Nathaniel P. Wardwell, in Jefferson county.

The Legislature met on the 2d day of January, 1838. Luther Bradish was elected Speaker, and Jarvis N. Lake, Clerk. The Governor avowed himself favorable to the passage of a general banking law, provided a two-third vote could be obtained in its favor. He alluded to the embarrassment in the monetary affairs of the country, and clearly and distinctly expressed his views as to the causes which had produced it. He also recommended an additional appropriation for the enlargement of the Erie canal, and declared his approbation of the Independent Treasury bill. In a few days after the organization, Mr. Taylor, of Ontario, brought in a bill to repeal the law prohibiting the issue and circulation of small bills, which was immediately passed by the Whig majority in the House. The Democrats still preserved their ascendancy in the Senate, and amended the bill so as merely to suspend the law for two years. In this shape it became a law.

The term of office of the Surveyor General expired this year. The Democrats in the Senate nominated

Doct. Campbell ; and Orville L. Holley, formerly editor of the Troy Sentinel, and a gentleman of fine literary attainments, was the candidate selected by the House. The vote on joint ballot stood : for Mr. Holley, ninety-seven ; and for Mr. Campbell, forty-two. Doct. Barstow, of Tioga, was elected Treasurer of the State, in the place of Mr. Keyser, by nearly the same majority.

Mr. Ruggles made a most flattering report to the House, during the winter, on the financial condition of the State, and described in glowing, though somewhat unnatural colors, the brilliant prospects which awaited the completion of the public works, on a large and liberal scale. Both parties in the Assembly were very readily captivated by the arguments of Mr. Ruggles, and a bill was soon after passed, contemplating the expenditure of a large amount of money. Messrs. Drake, of Otsego ; Floyd, of Suffolk ; and King, of St. Lawrence ; all Democrats, were the only persons who voted in the negative. The Senate amended the bill, by limiting the expenditure to four millions of dollars, which was concurred in by the House. The General Banking law passed the Legislature at this session. In the Assembly the vote was eighty-six to twenty-nine, and in the Senate there were twenty votes in favor, to eight against it.

Judge Vanderpoel resigned the office of Circuit Judge this year, on account of a severe paralytic attack, and John P. Cushman, of Rensselaer, was appointed as his successor. Judge Denio, of the Fifth Circuit, and Judge Gardiner, of the Eighth, also resigned during the session of the Legislature. Mr.



Bronson, then a member of Congress, was, at first, appointed to succeed Judge Denio; but as he had already changed his position on the Independent Treasury question, it was deemed necessary, by the friends of Mr. Van Buren, that he should remain at Washington, and he therefore declined accepting the office. Philo Gridley, of Madison county, was afterwards selected to fill the vacancy. The Governor, in the first place, appointed John B. Skinner Circuit Judge of the Eighth Circuit. Mr. S. declined the appointment; whereupon Nathan Dayton, of Niagara county, was nominated by the Governor, and confirmed by the Senate.

The Whigs came very near losing the Charter election in the city of New-York, in the spring of 1838, and they met with unexpected reverses in several other States in the Union. The tide appeared to be turning in favor of the Democratic party, and they entered upon the canvass full of hope and enthusiasm. At the Herkimer Convention, held on the 12th day of September, Messrs. Marcy and Tracy were unanimously nominated, as the Democratic candidates for Governor and Lieut. Governor. The Whig Convention was held on the same day, at Utica. Considerable difficulty was experienced in the selection of their candidates. A portion of the members were warmly in favor of Mr. Granger, and another portion urged the name of Luther Bradish. William H. Seward was finally brought forward, as a compromise candidate, and received the nomination for Governor. Mr. Bradish was then selected for Lieut. Governor, and the Convention adjourned

in perfect harmony. A meeting of the opponents of the Independent Treasury, who styled themselves Conservatives, was held at Syracuse, on the 3d day of October. Nathaniel P. Tallmadge, of the United States Senate, and John C. Clark, a member of Congress from the county of Chenango, were present at the meeting, and took an active part in its proceedings. This Convention, among other resolutions, adopted one in favor of supporting Messrs. Seward and Bradish, the Whig candidates for Governor and Lieut. Governor.

## CHAPTER XVI.

1838—Activity of both parties previous to the election—Outbreak in Canada, and excitement on the northern frontier—The Banking interest—The pressure, and the Small Bill law—Defeat of the Democratic party, and election of William H. Seward—Gabriel Furman—Gideon Hammond—James R. Lawrence—Peter B. Porter, Jr.—Robert Denniston—Levi S. Chatfield—Ward Hunt—Andrew G. Chatfield—Annual session of the Legislature in 1839—Message of Gov. Seward—Repeal of the Small Bill law—John C. Spencer appointed Secretary of State; Bates Cook, Comptroller; Willis Hall, Attorney General; and Jacob Haight, Treasurer—Attempt to elect a United States Senator—Tour of Mr. Van Buren through the State of New-York—November election—Mitchell Sanford—Friend Humphrey—James G. Hopkins—Andrew B. Dickinson—William H. Van Schoonhoven—Henry G. Wheaton—William Duer—George A. Simmons—Seth C. Hawley—Whig National Convention—Nomination of Gen. Harrison—Legislature of 1840—Nathaniel P. Tallmadge elected United States Senator—Removal of the Democratic Canal Commissioners—Martin Van Buren re-nominated for President—Re-nomination of Seward and Bradish—William C. Bouck and Daniel S. Dickinson nominated by the Democratic State Convention—Excitement previous to the election—The Whig party triumphant—Details of the election—Henry W. Strong—Elijah Rhoades—Alvah Worden—John M. Holley—Arphaxed Loomis—John L. O'Sullivan—Legislature of 1841—Controversy between the Executive of this State and the Governor of Virginia—Removal of Mr. Morris from the Recorder-ship of New-York—Distribution of the proceeds of the public lands—"The People's Resolution"—Prospects of the Whig party—Death of Gen. Harrison, and dissolution of the Cabinet—Whig State Convention in 1841—Trial and acquittal of Alexander McLeod—November election—Success of the Democrats—Morris Franklin—Abraham Bockee—Erastus Corning—Lyman Sherwood—Gideon Hard—John A. Lott—Horatio Seymour—Ziba A. Leland—Calvin T. Hulburt—Theron R. Strong—Albert Smith—Legislature of 1842—Azariah C. Flagg appointed Comptroller; Samuel Young, Secretary of State; George P. Barker, Attorney General; and Nathaniel Jones, Surveyor General—Change of the Canal Commissioners—The Stop and Tax law of 1842—Declension of Gov. Seward, and nomination of Bradish and Furman by the Whig Convention—Re-nomination of Bouck and Dickinson—1842.

BOTH parties entered upon the canvass in 1838,

with the most flattering prospects of success. Gov. Marcy was a thorough partizan, and a shrewd political tactician. The ease and courtesy of his address, and the *bonhomie* of his disposition, rendered him personally very popular; and had it not been for the measures with which he was, to a greater or less extent, connected, it is scarcely possible that he could have been defeated. The Whigs were active and enthusiastic, and the young men, especially, exerted themselves in behalf of Mr. Seward. At the Utica Convention, a plan was devised for the more perfect organization of the Whig party in the State, and measures were set on foot to carry it into effect. The excitement on the northern frontier, growing out of the burning of the steamer *Caroline*, in December, 1837, and the measures taken by the President, and Gov. Marcy, to prevent American citizens from violating the laws and treaties of the country, by openly aiding the outbreak in Canada, were dextrously taken advantage of by the Whig politicians, to inflame the minds of the voters against the State and National Administrations. The money market had become much easier, but the people, and the laboring classes in particular, had not forgotten the effects of the pressure; and they were not only constantly reminded of them, but they were instructed to regard the small bill law as a relief measure, reluctantly yielded by the Democrats in the Senate, in the hope of maintaining their ascendancy in the State. After the appearance of Gov. Marcy's message, endorsing the Independent Treasury plan recommended by Mr. Van Buren, the banking interest became more de-

cidedly hostile to the State Administration ; and yet, notwithstanding this, a large number of the Equal Rights men, in the city of New-York, refused to support the Democratic candidate for Governor, on the ground that he was a stockholder in several banks, and therefore identified with that interest. A portion of the original National Republicans also, who were members of the Masonic society, availed themselves of the opportunity afforded by the introduction of a new issue into the politics of the State, to return to their former associations.

It was impossible for the Democratic party to maintain itself against such a combination of adverse influences. The Whigs elected their State ticket by more than ten thousand majority. They also carried five of the eight Senate Districts, and returned nearly two-thirds of the members of Assembly. The whole number of votes cast for Governor, was over three hundred and seventy-five thousand. William H. Seward received one hundred ninety-two thousand eight hundred and eighty-two ; and William L. Marcy one hundred eighty-two thousand four hundred and sixty-one. The majorities for Mr. Seward in the western part of the State, where he was more generally known, exceeded the expectations of his friends. The county of Genesee gave him three thousand and thirty-five majority ; Erie, twenty-six hundred and twenty-six ; Chautauque, nearly two thousand ; and Monroe upwards of eleven hundred. On the northern frontier, the Democrats were peculiarly unfortunate. In the county of Oswego, their majority was but forty-eight, while Jefferson completely reversed her posi-

tion, and gave five-hundred and twelve majority for the Whig ticket.

The Senators chosen at this election, were Gabriel Furman, from the First District, in the place of Coe S. Downing; Daniel Johnson, from the Second, in the place of John P. Jones; Alonzo C. Paige, from the Third, in the place of Abraham L. Lawyer; Bethuel Peck, from the Fourth, in the place of Jabez Willes; Joseph Clark, from the Fifth, in the place of Abijah Beckwith; Alvah Hunt, from the Sixth, in the place of Levi Beardsley; Robert C. Nicholas, from the Seventh, in the place of Chester Loomis; and Henry Hawkins, from the Eighth, in the place of Isaac Lacy. Messrs. Johnson, Paige, and Clark, were the only Democratic Senators elected. The most prominent Whig members of Assembly chosen this year, were John B. Scoles, and George Zabriskie, of New-York; Richard P. Herrick, of Rensselaer; Gideon Hammond, of Essex; James R. Lawrence, of Onondaga; Henry W. Taylor, of Ontario; George W. Patterson, of Livingston; and Peter B. Porter, Jr., of Niagara; and on the Democratic side, were Henry Hogeboom, of Columbia; Robert Denniston, of Orange; Levi S. Chatfield, of Otsego; Ward Hunt, of Oneida; and Andrew G. Chatfield, of Steuben.

A short time after the November election, an attempt was made to induce Gov. Marcy to convene an extra session of the State Senate, for the purpose of filling certain offices about to become vacant, before the inauguration of his successor. This was the ostensible object proposed to be accomplished, but it was no doubt contemplated that a large majority of



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the office-holders in the State would resign, in order that they might be re-appointed for a full term. Gov. Marcy possessed too much manliness and integrity to yield to any such suggestion, and he explicitly refused to accede to the request.

The annual session of the Legislature commenced on the 1st day of January, 1839. George W. Patterson was elected Speaker, by thirty-eight majority, over Thomas Armstrong, the Democratic candidate. The first message of Gov. Seward was too lengthy, but it was written with marked ability. He dissented, in many important particulars, from the policy of the previous administration, and recommended the vigorous prosecution of an extensive system of internal improvements; among the principal features of which, were the enlargement of the Erie canal, and the construction of several lateral canals, and three principal lines of railroad, through the northern, middle, and southern sections of the State. In regard to the resources of the State, the Governor adopted the report of Mr. Ruggles, as the basis of his calculations; but he expressed the utmost confidence that the measures which he advised could be completed, without resorting to taxation, and in a manner calculated to promote the best interests, and the permanent welfare and prosperity of New-York. The following passage, which occurs in the message, is a just and appropriate commentary on the financial policy of former administrations :

“History furnishes no parallel to the financial achievements of this State. It surrendered its share in the National domain, and relinquished for the



general welfare all the revenues of its foreign commerce, equal generally to two-thirds of the entire expenditure of the Federal Government. It has, nevertheless, sustained the expenses of its own administration, founded and endowed a broad system of education, charitable institutions for every class of the unfortunate, and a penitentiary establishment which is adopted as a model by civilized nations. It has increased four-fold the wealth of its citizens, and relieved them from direct taxation; and, in addition to all this, has carried forward a stupendous enterprise of improvement, all the while diminishing its debt, magnifying its credit, and augmenting its resources."

The Governor also recommended the creation of a board of internal improvements, to consist of one member from each Senate District, who should discharge all the duties of the Canal Board; the revision of the judiciary system; and the erection of a monument in the city of Albany, beneath which the remains of Dewitt Clinton might be deposited.

On the 3rd day of January, Mr. Taylor, of Ontario, introduced a bill into the Assembly, in pursuance of previous notice, providing for the unconditional repeal of the law prohibiting the circulation of small bills. Mr. Skinner, a Democratic Senator from the Fifth District, also brought forward a bill, of the same purport, in the Senate; but that first proposed by Mr. Taylor passed both houses, by general consent, and became a law. Col. Young and Mr. Spraker were the only Senators who voted against it. A special committee was appointed, to take into consideration that part of the Governor's message relating to the

monument over the remains of Mr. Clinton. Mr. Hunt of Oneida, Mr. Enos of Madison, and Mr. Salisbury of Wayne, offered separate resolutions, instructing the committee to inquire into the expediency of erecting monuments to the memory of Gen. Herkimer, George Clinton, and Daniel D. Tompkins, which were adopted. Several animated discussions arose upon this subject during the session, but no definite vote was taken on either of the propositions before the Legislature, although it is probable that a majority of the members were opposed to making an appropriation from the public treasury for such purposes.

A caucus of the Whig members of the Legislature was held on the 31st day of January. John C. Spencer was warmly urged for the Comptrollership, and it is said that he was quite anxious to receive the appointment; but the decision of the caucus was in favor of Bates Cooke, of Niagara, one of the most prominent and active Anti-Masons in Western New-York. Mr. Spencer was nominated for the office of Secretary of State. Willis Hall, of New-York; Samuel Stevens, of Albany; and Joshua A. Spencer, of Utica; were the prominent candidates for the office of Attorney General. The name of Mr. Spencer was finally withdrawn, and the contest between Messrs. Hall and Stevens terminated in the nomination of the former, by a vote of forty-five to forty-two. Mr. Hall was not, at this time, a conspicuous member of his profession, and some dissatisfaction was manifested at his selection; but he soon evinced more than ordinary talents in the discharge of his official duties, and quiet-

ed, in a great degree, the ill-feeling which had been engendered. Doct. Barstow had become dissatisfied with the political movements at Albany, and signified his wish to retire from office; whereupon, Jacob Haight, of Greene county, formerly a leading Bucktail, and People's man, was selected for the office of Treasurer. Mr. Tallmadge was nominated, by the Whig caucus, for re-election to the United States Senate. A considerable portion of the party were inclined to oppose the nomination of that gentleman, notwithstanding his exertions in support of the Whig ticket at the fall election, but no effort was made to defeat him at the caucus.

The individuals nominated by the Whig caucus, were all chosen by the Legislature, in joint meeting, with the exception of Mr. Tallmadge. The House nominated the candidate selected in caucus; but the Senate refused to make any nomination. The proceedings in that body were similar to those which took place in 1825. Six different ballots were had, but as the Democratic Senators divided their votes, and were determined to prevent an election, no choice was made. On the sixth ballot, all the Whigs, and two Democrats, voted for Samuel Beardsley, who wanted but one vote of receiving the nomination. The majority then refused to ballot again, and claimed that they possessed equal power with the House, in the choice of Senators, and that the election should be made by joint resolution. Mr. Paige made an able report in justification of this course, but a majority of the electors in the State did not seem to be convinced by his arguments, if we may

regard the result of the succeeding election as any indication of their views. Stephen Van Rensselaer, one of the Canal Commissioners, died in January of this year, and the Legislature appointed Samuel B. Ruggles, the author of the celebrated Report on Internal Improvements, made to the Legislature in 1838, as his successor.

James Porter, a prominent member of the old Albany Regency, died in the winter of 1839. His death occasioned a vacancy in the office of Register in Chancery, which was filled by the appointment of John M. Davison, of Saratoga. The office was successively tendered, by the Chancellor, to Azariah C. Flagg, and Samuel L. Edwards, a Senator from the Seventh District, both of whom declined accepting it.

The ensuing Presidential election was looked forward to with much anxiety, in 1839, and occasioned considerable excitement throughout the country. Mr. Van Buren visited this State in the summer of that year, and was cordially welcomed at all the principal places on his route, by large concourses of his fellow citizens. The result of this tour was unfavorable to the President. Upon his first landing at the city of New-York, he was addressed by John W. Edmonds, on behalf of the citizens, in a speech which rendered it necessary for him to allude, in his reply, to the political contests and divisions that were agitating the public mind. The opposition immediately charged him with making an electioneering tour; and they also availed themselves of every unintentional neglect, on his part, to notice individual members of the numerous crowds that waited on him, to excite the animos-

ity and ill-feeling of the objects of these fancied grievances. The State elections, in the summer and fall of 1839, were quite favorable to the National Administration, but the result of the November election in New-York dissipated many of the hopes which had been predicated upon them. The Democrats succeeded in the First, Second, and Fifth Districts, and the Whigs carried the remainder; which secured to them, for the first time, a majority in the State Senate. Minthorne Tompkins was elected in the First Senatorial District, in the place of Henry Floyd Jones; John Hunter was re-elected in the Second District; Erastus Root was chosen from the Third District, in the place of James Powers, and Mitchell Sanford, and Friend Humphrey, were elected to fill the vacancies occasioned by the death of Noadiah Johnson, and the resignation of Edward P. Livingston. James G. Hopkins was returned from the Fourth District, in the place of David Spraker; Sumner Ely, from the Fifth, in the place of Micah Sterling; Andrew B. Dickinson, from the Sixth, in the place of George Huntington; Mark H. Sibley, from the Seventh, in the place of John Beardsley; and Abram Dixon, from the Eighth, in the place of Chauncey J. Fox. The Whigs also elected about seventy members of the House of Assembly. Messrs. Patterson, Porter, Denniston, L. S. Chatfield, and A. G. Chatfield, were re-elected. Henry G. Wheaton, of Albany, Wm. H. Van Schoonhoven of Rensselaer, Geo. A. Simmons of Essex, John A. King of Queens, Wm. Duer, of Oswego, and Seth C. Hawley, of Erie, all talented and influential Whigs, were returned from their respective counties.

The Whig National Convention, for the nomination of candidates for President and Vice President, met at Harrisburg on the first day of December. The name of Mr. Webster had been mentioned, in connection with the Presidency, but he positively declined being a candidate, early in the summer of this year. The most prominent individuals urged before the Convention, were Gen. Harrison, Mr. Clay, and Gen. Scott. The last named gentleman was brought forward by Charles King, of the New-York American, and several other leading Whigs in the State, but a short time previous to the meeting of the Convention. It was also said, that some of the confidential friends of Gov. Seward were concerned in this movement, and that the object was to prevent the selection of Mr. Clay, not so much, perhaps, out of personal opposition to him, as from the fear that he could not secure the votes of the non-slaveholding States against Mr. Van Buren. The contest between the friends of the different candidates was warm and spirited, and it was with great difficulty that a choice was eventually made. The name of Gen. Scott was withdrawn, and his friends cast their votes for Gen. Harrison, who was duly nominated. Mr. Clay received about ninety votes, on the last ballot. John Tyler, of Virginia, who had supported the nomination of Mr. Clay, was selected as the candidate for Vice President. The Convention adjourned, without adopting any address, or resolutions, expressive of their views on political questions. The cause of this neglect was generally understood to be, that the members of the Convention were so much divided on certain measures then in agitation, that it

would have been impossible to harmonize the conflicting opinions that were entertained ; and subsequent events established the correctness of this supposition. The nominations of the Harrisburg Convention were not generally popular at first, but the ill-advised, and unmerited attacks, of several of the most influential Democratic journals in the country, on the public and private character of Gen. Harrison, aroused a feeling of sympathy in his behalf, which was soon changed into one of irresistible enthusiasm.

The Legislature of this State assembled at Albany, on the seventh day of January, 1840. Mr. Patterson was re-elected Speaker, in opposition to Mr. L. S. Chatfield. The vote on the Speakership stood—sixty-eight to fifty-six. The Governor's views in regard to the question of internal improvements, as avowed in his message to the two houses, were mainly in accordance with those previously expressed. Although he urged with much earnestness and ability, the importance of completing the public works, he stated that the cost would far exceed the estimates made by the Canal Commissioners and Engineers, and that his former recommendations were based on those estimates. He also added, that if the actual amount necessary for the construction of the Black River and Genesee Valley canal had been known, it was exceedingly doubtful, in his opinion, whether they would have been undertaken. The message recommended various improvements in the judiciary system of the State, and the amendment of the law providing for the distribution of the avails of the Common School fund, so that the children of foreigners could receive their

share of the public bounty, and at the same time be educated by teachers speaking the same language, and professing the same religious faith with themselves. The controversy with the authorities of Virginia, in relation to the surrender of three persons as fugitives from justice, charged with having feloniously stolen a negro slave in that State, was reviewed by the Governor, who alledged, as his reason for declining to comply with the requisition made upon him, that he was of the opinion that "the acts charged upon the persons demanded were not recognized as criminal by the laws of this State, or by the universal laws of all civilized countries; and that consequently the case did not fall within the provision of the Constitution of the United States."

Almost the first business of the Legislature, was the re-election of Nathaniel P. Tallmadge to the office of United States Senator. He received the entire Whig vote in the two houses, with the exception of the absentees. A bill was passed, on the 13th of January, appointing Thurlow Weed, of the Evening Journal, State Printer, in the place of Mr. Croswell. The Democratic Canal Commissioners, Messrs. Young, Bowman, Bouck, Earll, and Baker, were removed in the month of February; and Asa Whitney, S. Newton Dexter, David Hudson, George H. Boughton, and Henry Hamilton, all of whom were active and zealous Whigs, were appointed to fill the vacancies. At the Whig Legislative caucus, it was at one time determined to retain Mr. Bouck in office, on account of his long practical experience; but the members soon found that they could only satisfy their friends by a



'searching' removal of their political opponents. One of the most prominent subjects discussed by the Legislature, was the bill providing for a registration of voters in the city of New-York, previous to an election. The Democratic members of the Legislature, and especially those from the city of New-York, earnestly opposed the bill, but it eventually passed both houses, and received the signature of the Governor.

The absorbing topic of conversation during the spring and summer of 1840, was the approaching Presidential election. Martin Van Buren was unanimously nominated for re-election, at the Democratic National Convention which met at Baltimore on the 5th day of May. No nomination was made for Vice President, in consequence of the large number of candidates before the Convention. Col. Johnson, however, was subsequently nominated by the New-York State Convention, and he received the support of a large majority of the Democratic electors in the Union. The Independent Treasury bill became a law on the 4th day of July; and, from this time forward, the most powerful efforts were made on the part of the moneyed interests, to be affected by its provisions, for the purpose of preventing the re-election of Mr. Van Buren. Large sums of money were expended by both parties, in publishing tracts and pamphlets on political questions. A great number of newspapers, to be continued until after the election, were printed in almost every State. Among the best-conducted organs of this class, was "The Log Cabin," a Whig paper, published in the city of New-York, by Horace Greeley, one of the ablest and most fearless editors in the coun-

try. Mr. Greeley afterwards established the New-York Tribune, in connection with Thomas McElrath, and has on several occasions rendered efficient service to the Whig party in the State and Nation.

The Whig State Convention met at Utica, on the 12th day of August. Messrs. Seward and Bradish were re-nominated, with entire unanimity. The Democratic Convention assembled at Syracuse on the 2d of September. William C. Bouck, Silas Wright, Jr., John A. Dix, and Benjamin F. Butler, were presented to the Convention, by their friends, on the informal ballot for Governor. Letters were then produced from Messrs. Wright, Savage, and Butler, requesting that their names might not be used, whereupon Mr. Bouck received the unanimous nomination of the Convention. Daniel S. Dickinson, a leading Democratic member of the State Senate, from Broome county, was selected as the candidate for Lieut. Governor. The Abolitionists supported Gerrit Smith for the office of Governor, and Charles O. Shepard for that of Lieut. Governor. The candidates of the same party, for President and Vice President, were James G. Birney, of Michigan, and Thomas Earle, of Pennsylvania.

After the announcement of the Gubernatorial nominations, the contest between the two great parties became still more animated and exciting. Large and enthusiastic mass meetings were held in all the principal cities and towns. The persons who attended these gatherings, from a distance, collected in processions, and marched through the streets, with bands of music, banners and devices, of every kind and

description. The sober, reflecting judgment, which should always prompt the exercise of the elective franchise, appeared to have entirely given way to the prevailing excitement. It may well be, that this effervescence of popular enthusiasm ought not to be too severely censured, because it is, in some degree, the offspring of our Democratic institutions; but it is well worthy of the consideration of our statesmen and politicians, to inquire whether or no a change could be made, that would secure a calmer and more dispassionate expression of the public will.

The November election resulted in the complete overthrow of the Democratic party. The majority for the Harrison electoral ticket, in the State of New-York, was thirteen thousand, two hundred and ninety. Mr. Van Buren was abandoned by some three or four thousand voters, in the State, who were opposed to the financial policy which he advocated, and who voted for the Democratic candidates for Governor and Lieut. Governor. The whole number of votes cast for Governor was four hundred forty-one thousand four hundred and eighty-one. Mr. Seward received two hundred twenty-two thousand and eleven; Mr. Bouck, two hundred sixteen thousand eight hundred and eight; and Mr. Smith, two thousand six hundred and sixty-two. The counties in the Southern and Eastern portions of the State gave very respectable majorities for the Democratic ticket; but in the Northern and Western counties the Whig preponderance was overwhelming. The aggregate majority for Gov. Seward, in St. Lawrence, Essex, Franklin, Clinton, Jefferson, and Oswego, where the excitement in relation to the

insurrection in Canada was still kept up, exceeded seventeen hundred. The counties of Genesee and Erie, each, gave about three thousand majority against the Democratic candidate for Governor.

The Senators chosen this year were, John B. Scott, from the First District, in the place of Mr. Tallmadge; Robert Denniston, from the Second, in the place of Mr. Van Dyck, who had become one of the editors and proprietors of the Albany Argus; Henry W. Strong, from the Third, in the place of Mr. Sanford; John W. Taylor, from the Fourth, in the place of Samuel Young; Henry A. Foster, from the Fifth, in the place of David Wager; Nehemiah Platt, from the Sixth, in the place of Mr. Dickinson; and Elijah Rhoades, from the Seventh, in the place of Samuel L. Edwards. Samuel Works was re-elected in the Eighth District. Messrs. Taylor, Platt, Rhoades, and Works, were Whigs; the other Senators elect were Democrats. Of the members of Assembly chosen at this election, sixty-six were Whigs, and sixty-two were Democrats. Messrs. Wheaton, Hawley, Simmons, P. B. Porter, Jr., Duer, L. S. Chatfield, Van Schoonhoven, and A. G. Chatfield, were re-elected. The Whigs elected Alvah Worden, in Ontario; Levi Hubbell, the late Adjutant General, in Tompkins; Erastus D. Culver, in Washington; and John M. Holley, in Wayne. The most prominent Democrats chosen, were Michael Hoffman and Arphaxed Loomis, from Herkimer; David R. F. Jones, and John L. O'Sullivan, from New-York; William Taylor, from Onondaga; and John W. Lawrence, from Queens.

The Legislature assembled on the 5th day of Janu-

ary, 1841. Peter B. Porter, Jr., was elected Speaker, over Levi S. Chatfield, the candidate of the Democratic members, by a strict party vote. Gov. Seward repeated, in his annual message, the recommendation which he had previously made in regard to the instruction of the children of adopted citizens, and the amendment of the common school law. He stated that the commissioners appointed in 1840, to mediate a settlement between the occupants of the manor of Rensselaerwyck and their landlords, had discharged the duty assigned to them, and would soon make their report. He also recommended an expression; on the part of the Legislature, in favor of distributing the proceeds of the public lands among the several States; and advised the completion of the enlargement of the Erie canal, and the other works commenced by the State. That portion of the message relating to internal improvements, concluded with the following paragraph:

"I tender you my congratulations upon the happy termination of the embarrassments to which it has been my duty to refer. The people of the State have stood firm by the pillars of her strength and glory. Time enough has elapsed to show that our fiscal condition is sound; that, although the expense of our improvements was erroneously estimated, our revenues are abundantly adequate; and that, with judicious management, we may persevere firmly in the policy of internal improvement, with a confident expectation of accomplishing ultimately all that has been contemplated."

The nett revenues of all the canals, during the pre-

vious fiscal year, after paying the interest on the debt for the enlargement, and deducting all the expenditures and deficiencies on the lateral canals, was stated in the message to be upwards of seven hundred and ninety-eight thousand dollars.

On the 12th day of January, the Governor recommended to the Senate the removal of Robert H. Morris, from the office of Recorder of the city of New-York, upon the ground that he had seized certain papers, alledged to contain the evidence of extensive frauds perpetrated on the elective franchise, which were deposited in the hands of a private citizen, and delivered up, under the influence of the threat, that force would be used in case of a refusal to surrender; and that the Recorder had justified the seizure, in a charge delivered to the grand jury, impanneled at the November term of the Court of General Sessions. The Whig majority in the Senate acted promptly upon the recommendation of the Executive, and removed Mr. Morris from office, notwithstanding the urgent remonstrances of Mr. Strong, and other Democratic Senators, who insisted that no judicial officer ought to be removed, without resorting to the ordinary legal course of impeachment. Frederick A. Tallmadge, late a member of the Senate from the First District, was soon after appointed to the vacant Recordership. The removal of Mr. Morris created a strong feeling of indignation among the Democrats in the city of New-York: he was subsequently nominated as their candidate for Mayor, at the charter election in 1841, and succeeded over his Whig opponent, by a large majority.

The official returns of the Electoral votes for President and Vice President were counted and declared, in joint session of the two houses of Congress, on the 10th day of February. The tellers announced that William Henry Harrison had received two hundred and thirty-four votes for President, and Martin Van Buren sixty; and that John Tyler had received two hundred and thirty-four votes for Vice President; Richard M. Johnson, forty-eight; Littleton W. Tazewell, eleven; and James K. Polk, one.

Resolutions were adopted by the New-York Legislature, in the month of February, requesting the Senators and Representatives from this State, to oppose any measure calculated to prevent the distribution of the entire proceeds of the public lands, after deducting such appropriations as might be made, for public purposes, to the several States and Territories in which they were situated. Acts were also passed at this session, appropriating eight thousand dollars, per annum, for five years, to the several counties in the State, to be divided among them, in rateable proportions, for the promotion of agriculture and household manufactures; and authorizing a loan of three millions of dollars, for the enlargement of the Erie canal, and the construction of the Black River and Genesee Valley canals. Gen. Root introduced a joint resolution into the Senate, in favor of the incorporation of a National Bank, which received the approbation of the Evening Journal, the acknowledged organ of the administration, but was not sustained by a majority of the Legislature. Mr. Loomis presented a resolution, in the Assembly, which was afterwards known

as "The People's Resolution," adopting the principle of a resolution passed at the Equal Rights, or Loco Foco State Convention, in 1837, and providing for the amendment of the Constitution, so as to prohibit any increase of the State debt, unless with the consent of the people. This resolution was discussed with great ability, by several members of the Assembly, but did not obtain a favorable vote. An attempt was made, at this session, to pass a law, dividing the State into election districts, and restricting the elections to one day : but, as the Democrats of the House were in the majority for several days prior to the adjournment, in consequence of the defection and absence of three or four of the Whig members, they refused to vote in favor of the bill, unless it was accompanied with the repeal of the Registry law in the city of New-York ; and it was, therefore, lost. A bill, containing similar provisions, and applicable only to the cities of the State, was passed a short time previous to the adjournment.

The Whig party in the State and Union never enjoyed brighter, or fairer prospects, to all outward appearances, than at the time of the inauguration of Gen. Harrison. The selection of his cabinet very naturally occasioned some difficulty and embarrassment, and the appointment of Francis Granger to the office of Post Master General, was not, at first, quite acceptable to the friends of Mr. Seward ; but the many estimable qualities of the President, and his evident desire to act in accordance with the wishes of his party, so far as he could consistently do so, assured him their respect and confidence. One brief month marred all these glorious prospects, and dissipated these



flattering anticipations. Gen. Harrison died on the 4th day of April, 1841. The announcement of this afflicting dispensation spread a deep gloom over the country. All felt the bereavement ; all sympathized with those who mourned. To the Whig party, the death of the President was an irreparable loss. The Executive duties devolved on Mr. Tyler, who was more than suspected to entertain views and opinions, not in accordance with the majority of his political friends. The Extra session of Congress, which convened on the 31st day of May, in pursuance of the proclamation of President Harrison, issued on the 17th of March, aroused the elements of discord, and paved the way for the dismemberment of the Whig party. The various plans adopted by the two houses, for the establishment of a National Bank, or Fiscal Agent, were vetoed by the President, notwithstanding the remonstrances of the Whig leaders, who bore up gallantly against the approaching storm. The refractory course of Mr. Tyler was followed by the dissolution of his cabinet, and his complete separation from the great body of the voters who had given him their suffrages, at the election in 1840.

Mr. Van Buren returned to his native State, soon after the inauguration of Gen. Harrison. He was received by his political friends with the most unequivocal evidences of their continued attachment and regard. These expressions of unabated confidence and respect, on the part of the Democracy of New-York, must have gone far to recompense him for his defeat.

In the month of August, 1841, William Kent, a son of Chancellor Kent, and an able lawyer and ripe scho-

lar, was appointed Judge of the First Circuit, in the place of Ogden Edwards, whose constitutional term of office had expired.

A Whig State Convention was held at Syracuse, on the 6th day of October, in pursuance of a call issued by the State Central Committee, said to have been drawn up by John C. Spencer, whom Mr. Tyler had appointed Secretary of War, on the re-construction of his cabinet. Resolutions were adopted, condemning the Vetos of the President, but not entirely disapproving of his administration. The proceedings of the Convention were not decided in their character, and it is probable that the whigs were already alarmed, on account of the unfavorable result of the summer and fall elections in other States. The "patriot" excitement, on the northern frontier, was renewed this fall, by the trial and acquittal of Alexander McLeod, one of the individuals present at the burning of the steamer Caroline. The prosecution was ably conducted by Mr. Hall, the Attorney General; but the failure to convict the prisoner, was brought as a charge against the State administration, which Gov. Seward found it as impossible to meet, as Gov. Marcy did to defend his orders for preventing breaches of the law, in 1837 and 1838. Mr. Seward possessed a large number of firm and devoted friends; but from his first entrance upon the duties of the Executive office, he had encountered jealousies and heart-burnings, among the members of the party who were formerly National Republicans, which he found himself unable to allay. He endeavored to conciliate the good will of the masses, by advocating popular doctrines; and attempted to

convert his personal enemies into friends, by the bestowal of official favor and patronage. All his efforts to unite and strengthen the party, under him as its leader, were unsuccessful and unfortunate. Without the ambitious daring of Dewitt Clinton, or the profound knowledge of human nature which distinguished Martin Van Buren as a politician, he could do but little to avert the impending overthrow of the Whig ascendancy.

✓ The November election restored the Democratic party to their former position in both branches of the Legislature. The Senators elected this year, were Isaac L. Varian, in the place of Mr. Verplanck, and Morris Franklin, in the place of Mr. Tompkins, resigned, from the First District; Abraham Bockee, in the place of Mr. Livingston, from the Second; Erastus Corning, in the place of Mr. Humphrey, from the Third; Edmund Varney, in the place of Mr. Lee, from the Fourth; William Ruger, in the place of Mr. Skinner, from the Fifth; James Faulkner, in the place of Mr. Hull, from the Sixth; William Bartlit, in the place of Mr. Maynard, and Lyman Sherwood, in the place of Mr. Sibley, from the Seventh; and Gideon Hard, in the place of Mr. Moseley, from the Eighth District. Messrs. Franklin and Hard were the only Whig Senators elected. Ninety-five of the members of Assembly chosen at this election were Democrats, and thirty-three were Whigs. Messrs. Simmons, Loomis, Hoffman, O'Sullivan, Jones, Taylor, L. S. Chatfield, and Lawrence, were re-elected. The Democrats returned John A. Dix, from the county of Albany; Lemuel Stetson, from Clinton;

Samuel G. Hathaway, Jr., from Chemung ; John A. Lott, from Kings ; Horatio Seymour, from Oneida ; Sanford E. Church, from Orleans ; George R. Davis, from Rensselaer ; Calvin T. Hulburd, from St. Lawrence ; John Cramer and Halsey Rogers, from Saratoga ; Ziba A. Leland, from Steuben ; Charles Humphrey, from Tompkins ; and Theron R. Strong, from Wayne. Albert Smith was elected, by the Whigs, in Genesee ; and Peter M. Dox, by the same party, in the county of Ontario.

The Legislature assembled on the 4th day of January. Levi S. Chatfield was chosen Speaker of the House. The Governor again urged the modification of the Common School system, and the speedy enlargement of the Erie canal. He stated that the public debt of the State amounted to seventeen millions of dollars, and that the cost of the works in progress, would exceed thirty-six millions. He recommended that the tolls on the canal should be increased twenty per cent, after the enlargement had been completed, and argued that the depreciation in the value of the State stocks, arose from some general cause affecting all governmental securities, which it was in the power of the General Government to relieve. The financial policy of the State was discussed, at considerable length, during the session, and a law was finally passed, in pursuance of the recommendation of Mr. Flagg, entitled "an act to provide for paying the debt and preserving the credit of the State." By this act, a tax was authorized to be raised of one mill on every dollar of the valuation of real and personal estate ; and the revenues of the State

were pledged for the payment of its liabilities. All further expenditures on the public works were suspended, by the terms of the law, except where the completion of any particular job or contract would be attended with less expense. The vote on the passage of this bill was a strict party one; the Democratic members voting in the affirmative, and the Whigs in the negative. Mr. Loomis again brought forward his resolution in relation to the increase of the State debt, and the amendment of the Constitution, which was ably supported by a number of the Democratic members, but was ultimately lost. Mr. O'Sullivan also made an ineffectual attempt to procure the abolition of capital punishment.

The Democratic members of the Legislature, who were now in the majority, took measures for the election of new State officers, and Canal Commissioners. At the caucus held on the evening of the 3rd day of February, Azariah C. Flagg was almost unanimously nominated for the office of Comptroller. He received one hundred and five votes, and there were two blanks. Samuel Young was nominated for Secretary of State, George P. Barker for Attorney General, Thomas Farrington Treasurer, and Nathaniel Jones Surveyor General. The principal candidates voted for in opposition, were Samuel W. Jones, Robert H. Morris, Erastus Hamilton, and John Morgan. Jonas Earll, Jr., James Hooker, Daniel P. Bissell, George W. Little, Benjamin Enos, and Stephen Clark, were nominated for Canal Commissioners. All these selections were subsequently ratified by the Legislature. The nominations of the Governor were not so

generally confirmed by the majority in the Senate, who rejected a large number of those that were made, in order that the offices might be filled by their own friends, in case the Democrats were successful at the next Gubernatorial election.

Mr. Seward signified, at an early day, his intention not to be a candidate for a re-nomination. The New-York Commercial Advertiser presented the names of Luther Bradish, for Governor, and John A. Collier, who had succeeded Mr. Cooke, in the office of Comptroller, for Lieut. Governor. Mr. Collier, however, was desirous of taking the place of Mr. Seward, and his friends urged his name, with much warmth and tenacity, at the Whig State Convention, which assembled at Syracuse on the 7th day of September. Mr. Bradish received the Gubernatorial nomination; and that of Lieut. Governor was tendered to Mr. Collier, but he declined accepting it. Gabriel Furman, of Kings county, was then selected by the Convention. The Democratic Convention also assembled at Syracuse on the same day. William C. Bouck, and Daniel S. Dickinson, were selected, by open nomination, as the candidates for Governor and Lieut. Governor, without a dissenting voice. The candidates put in nomination by the Liberty party, were Alvan Stewart of Oneida, and Charles O. Shepard of Wyoming.

## CHAPTER XVII.

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1842.—Preparation for the fall Election—Complete restoration of the Democratic party to power—Messrs. Bouck and Dickinson elected by a large majority—John C. Wright—John Porter—Harvey Putnam—Edward Sanford—Lorenzo Sherwood—Charles P. Daly—William F. Allen—Richard H. Williams—Thomas T. Flagler—Legislative session of 1843—Message of Gov. Bouck—Opposition to the election of Edwin Croswell as State Printer—Divisions in the Democratic party—Attempt to censure Col. Young—Distribution of the Natural History of the State—Two-Thirds Bills—Re-election of Silas Wright, Jr., to the United States Senate—Hostility to the administration of Gov. Bouck—Rejection of the Executive nominations—Preparation for the Presidential Election—November Election in 1843—Orville Clark—George C. Sherman—Albert Lester—Ashley Sampson—Joseph S. Bosworth—Daniel Lee—Archibald L. Linn—Nathaniel W. Davis—Legislative session of 1844—Amendment of the Constitution—Apprehensions of the Conservatives, and the friends of Mr. Bouck—Project of a Convention to revise the Constitution—The Clinton Prison—Death of Judge Cowen, and appointment of Samuel Beardsley as one of the Associate Justices of the Supreme Court—Amasa J. Parker—Proceedings of the Democratic Legislative Caucus in 1844—The Native American party—Annexation of Texas—Whig National Convention—Nomination of Henry Clay and Theodore Frelinghuysen—Opposition to Mr. Van Buren, and nomination of James K. Polk and George M. Dallas, as the Democratic candidates for President and Vice President—James G. Birney and Thomas Morris nominated by the Abolitionists—The State Conventions—Silas Wright nominated for Governor, and Addison Gardiner for Lieutenant Governor—Millard Fillmore and Samuel J. Wilkin presented by the Whig party—November Election—The Democrats successful in the State and Nation—1844.

A CONVENTION of the Whig young men of the State, was held at Auburn, on the 21st day of September. Many of the ablest and most influential partisans, in the ranks of the opposition, were present.







WILLIAM C. BOUCK.

LITH. OF C. CURRIER, N.Y.

The proceedings were earnest and enthusiastic. The members of the Convention, as was the case with the large majority of the younger and more ambitious spirits in the party, manifested a sincere attachment to Gov. Seward, and a desire to do justice to his political course and reputation. But the one great object which they presented, in bolder relief, was the name of Henry Clay, as their candidate for the next Presidency. It was felt to be highly necessary to secure the vote of New-York, at the approaching election, and it could only be done under the influence of the spirit which they hoped to arouse in favor of some popular champion of their political faith. Mr. Clay, above all others, was the man in whose behalf it was possible to excite a deep feeling of enthusiasm. Respect for his character, his talents, his eminent public services, and his indignant denunciations of the Tyler administration, was a sentiment universally entertained by the members of the Whig party. Numerous meetings were held by them, in various parts of the State, at which this feeling was exhibited in a manner not to be mistaken.

The merits of their candidates for Governor and Lieutenant Governor, appeared to be nearly overlooked by the Whigs, during the canvass; and their principal argument against the Democratic ticket, was, that it was committed to the stop and tax policy of 1842, and opposed to the tariff law passed by Congress in the summer of this year. The defeat of Messrs. Bouck and Dickinson, in 1840, only served to awaken an ardent desire to reverse that unfavorable decision, at this election. The former was

very popular along the line of the Erie canal ; and it was understood that he was more favorably disposed towards the enlargement, than many of the leaders of the Democratic party. Mr. Dickinson also enjoyed a wide-spread popularity in the southern tier of counties, much of which had grown out of his efforts, as a member of the Senate, to secure the construction of the New-York and Erie Railroad. For the last two years, the names of these gentlemen had been kept prominently before the public ; and the general expectation was scarcely disappointed by the large majority of the popular vote in their favor.

The whole number of votes cast for Governor, was four hundred and one thousand four hundred and twenty-six. William C. Bouck received two hundred eight thousand and seventy-two ; Luther Bradish one hundred eighty-six thousand and ninety-one ; and Alvan Stewart, seven thousand two hundred and sixty-three. The Democrats carried all the Senate Districts, except the Eighth, and elected a large majority of the members of Assembly. John A. Lott was elected from the First Senatorial District, in the place of Gabriel Furman ; Abraham A. Deyo, from the Second, in the place of Daniel Johnson ; John C. Wright, from the Third, in the place of Alonzo C. Paige ; Thomas B. Mitchell, and Sidney Lawrence, from the Fourth, in the place of Bethuel Peck, and of John W. Taylor, resigned ; Carlos P. Scovil, from the Fifth, in the place of Joseph Clark ; Calvin T. Chamberlain, from the Sixth, in the place of Alvah Hunt ; John Porter, from the Seventh, in the place of Robert Nicholas ; and Harvey Putnam, from the

Eighth, in the place of Henry Hawkins. Messrs. Hathaway, Jones, Davis, Hulburd, and Leland, were re-elected. The ablest of the new members on the Democratic side, were Edward Sanford and Charles P. Daly, of New-York; Nelson K. Wheeler, of Delaware; Lorenzo Sherwood, of Madison; Leonard Lee, of Orange; William F. Allen, of Oswego; and Richard H. Williams, of Yates. Willis Hall, the late Attorney General, was elected by the Whigs of Albany; James C. Brown, by the same party in Ontario; and Thomas T. Flagler, in Niagara. The great majority of the Tyler men in the State voted for the Democratic candidates, at this election.

Several weeks previous to the meeting of the Legislature, a portion of the Democratic journals in the State expressed their fears, that a new central power, or regency, would be established among the leading Democrats in the city of Albany, which they feared might prove seriously detrimental to the interests of the party. Various suggestions were thrown out, as to who should, and who should not, be the advisers of Mr. Bouck, but nothing definite appeared, indicating the existence of any serious differences in the Democratic ranks. The Legislature assembled on the 3d day of January, 1843. George R. Davis was chosen Speaker. The message of Gov. Bouck was highly creditable to the writer, and embodied a clear and succinct account of the financial condition and prospects of the State. In regard to the subject of internal improvements, the Governor used the following language:

"I recommend to your careful consideration, the

subject of Internal Improvements by roads and canals, which are eminently calculated to aid the enterprise, and promote the welfare, of the people. There are few subjects in which our citizens feel a deeper interest, or that are more intimately connected with the character and prosperity of the State. But in making this suggestion, I must not be understood as advising extravagant expenditures, or ill-advised undertakings."

The message referred, in an approving tone, to the "Act of 1842," providing for the suspension of the public works, and advised great caution in increasing the public debt, notwithstanding the State had the ability eventually to complete the works already commenced. The Governor also recommended various alterations of the Safety-Fund system, and the militia laws of the State.

The selection of a State printer was almost the first business brought before the Legislature. Public opinion had settled down so firmly, against the inordinate profits formerly realized by the Editors of the Argus and Journal, that the Legislature felt themselves in duty bound to make an immediate change. A law was accordingly passed, on the 21st day of January, by which the printing of all legal notices and advertisements was to be performed by the publisher of a newspaper in the city of Albany; each house of the Legislature was authorized to appoint its own printer; and the several Executive officers were required to make contracts for the printing necessary in their departments. The person publishing the legal notices, was to be designated as the State Printer, and elected

in the same manner as the Secretary of State, and hold his office by the same tenure. The dominant party were much divided on this question, and the Whigs were not unwilling "occasionally to fan the embers." A very respectable number of the Democratic members of the Legislature were opposed to the re-appointment of Mr. Croswell as printer to the State, but he received the nomination of the caucus, held on the evening of the 26th of January, and was elected by the Legislature on the following day, over Horace Greeley, the Whig candidate. The vote in the caucus stood; for Edwin Croswell, sixty-five; for Wm. C. Bryant, forty; and there were three scattering votes. Mr. Bryant was not a candidate, and only became such by the votes of his friends. Henry H. Van Dyck, one of the editors and proprietors of the *Argus* for the two years previous, was originally urged for the office of State printer, by a portion of the Democratic members, who claimed to be more radically orthodox in their creed, than the supporters of Mr. Croswell; but his name was withdrawn in advance of the caucus; not, however, until feelings of hostility were engendered between himself and the other proprietors, which led to the dissolution of their partnership, and his separation from the management of the paper. The opponents of Mr. Croswell rallied around the *Albany Atlas*, a Democratic newspaper, originally started in 1841, and, at the time of which we are speaking, under the editorial charge of Henry O'Reilly and Wm. Cassidy, both gentlemen of more than ordinary abilities as political writers, and active and zealous members of the Democratic party. The friends of

the newly-elected State printer, among whom were the Governor, the Lieut. Governor, the Speaker of the House, and Mr. Foster, of the Senate, adhered to him with fidelity, and lines of demarkation soon began to be drawn among the members of the two houses, and the Democratic journals in the State. Col. Young, Messrs. Flagg, Barker, Farrington, and Jones, of the State officers, and Messrs. Denniston, Hunter, Porter, Sherwood, Strong, and others, of the Senate, were understood to be opposed to the re-appointment of Mr. Croswell.

In 1842, the Legislature passed an act for the distribution of the Natural History of the State, published by the authority of a previous Legislature. On the 11th day of March, of the session of 1843, Col. Young, the Secretary of State, sent a communication to the Senate, stating that he did not feel authorized to execute the law, by distributing the books, because it was passed by a majority vote, only; whereas the Constitution required that all bills, appropriating public property for private purposes, should be passed by a two-thirds vote. Lt. Gov. Dickinson had previously decided, that the bill waiving the priority of lien on the New-York and Erie railroad, for the loan of three millions of dollars, was not a two-thirds bill. His reasons for the decision were published on the 16th day of March, and were followed by a communication from Col. Young, dated on the 17th of the same month, addressed to a member of the Senate, and presented to that body, in which the writer repeated his opinion that the law, authorizing the distribution of the Natural History, was unconstitutional, and stated, in addition, that there were "millions of outstanding stocks impending over the

State," which were passed in the same manner, and, therefore, equally unconstitutional and void. Mr. Foster offered a preamble and resolution, in the Senate, on the 22d of March, assuming that the Secretary of State had avowed opinions favorable to repudiation, and acknowledging the moral and legal obligation of the State to discharge all its debts. The friends of Col. Young insisted that he had not expressed the sentiments imputed to him, and opposed the adoption of the resolution. The Senators on the other side admitted that the legislation of the State, to a certain extent, was liable to the objections raised by the Secretary, but urged, with much warmth, that he had advocated, in effect, the doctrine of repudiation, and that the Senate ought not to give even a tacit assent to the opinions he had avowed. The resolution was discussed at length in the Senate, and, after undergoing various changes and modifications, was laid on the table, near the close of the session, by the following vote :

*Ayes*—Messrs. Denniston, Deyo, Dickinson, Hard, Hunter, Platt, Porter, Putnam, Ruger, Scott, Strong, Works—12.

*Noes*—Messrs. Bartlit, Bockee, Chamberlain, Corning, Ely, Faulkner, Foster, Franklin, Lott, Mitchell, Wright—11.

The difference of opinion, between the Lieut. Governor and Col. Young, in regard to two-third bills, led to a newspaper controversy between those gentlemen, which was conducted with decided ability, but with marked bitterness and asperity.

In the month of February, Silas Wright, Jr., was re-elected a Senator in Congress, without opposition



on the part of any of the Democratic members of the Legislature. The vote in the caucus was unanimous in his favor. Mr. Farrington was also re-elected to the office of Treasurer.

On the 16th day of March, an act was passed, authorizing the Commissioners of the Canal Fund to borrow the sum of three hundred and twenty thousand dollars, to provide for the payment of contractors, and others engaged on the public works. Mr. Leland, Steuben county, introduced a bill abolishing the office of Bank Commissioner, and requiring all the notes issued by the banks to be countersigned and registered in the Comptroller's office, which became a law on the 18th day of April. All the Senators who voted against laying the resolution, in regard to Col. Young, on the table, with the exception of Mr. Bockee, opposed the passage of Mr. Leland's bill. "The People's Resolution," presented by Mr. Loomis at a previous session of the Legislature, was again introduced, and again defeated.

Indications of hostility toward Gov. Bouck, began to be manifested by the radical Democrats in the Legislature, early in the winter. A large number of the appointments made by the Governor, were in accordance with the recommendations of county conventions; but it was alledged, that the other selections made by him were principally confined to individuals personally devoted to himself. As Gov. Bouck was not entirely impervious to flattery, this allegation may have been true, to a certain extent; still, it is not probable that it would have been urged with much earnestness, had not the opposition of the banking inter-

est, and the Conservatives, to Mr. Van Buren's administration, and the differences of opinion in relation to the public works, and the general financial policy of the State, more or less influenced the minds of leading members of the Democratic party. On several occasions, the nominations made by Gov. Bouck were rejected in the Senate, by the united vote of the Whig and radical Senators, with the exception of Mr. Franklin, of New-York, who usually voted with the minority. The following is a list of the ayes and noes, on consenting to the nomination of a Notary in Jefferson county, which may be taken as a fair specimen of the other votes :

*Ayes*—Messrs. Bartlit, Bockee, Chamberlain, Corn-  
ing, Ely, Faulkner, Franklin, Foster, Lott, Mitchell,  
Scovil, Varian, Wright—13.

*Noes*—Messrs. Denniston, Deyo, Dixon, Hard, Hop-  
kins, Hunter, Platt, Porter, Putnam, Rhoades, Root,  
Ruger, Scott, Strong, Varney, Works—16.

William Ruger, one of the Senators from the Fifth District, died on the 21st day of May, 1843.

The two great parties in the country began to make preparations for the Presidential election, early in the summer of 1843. Mr. Van Buren was unanimously presented, by the Democratic Legislative caucus of this State, and the general expression of the Democrats, in other States, was quite favorable to his re-nomination. The main body of the Whigs were equally decided, on the nomination of their talented and gallant leader, Henry Clay, of Kentucky. The delegates from the State of New-York, to the Whig National Convention, were selected by Conventions

held in the Congressional Districts, with the exception of the two delegates from the State at large. The Democratic party held a State Convention in September, at which delegates friendly to Mr. Van Buren were selected to represent the State in the National Convention. Mr. Marcy, the late Governor, was elected President of the State Convention, over Col. Young, who was supported by the radical members.

The importance of the Presidential election, and the difficulties and divisions in the Democratic party, encouraged the Whigs to make more than ordinary exertions, in several counties in the State, at the November election in 1843. The Democrats of Cayuga, Schenectady, Tioga, and Westchester, were divided in regard to their county nominations, and the Whigs succeeded in electing nearly all their candidates in those counties. The general result throughout the State was favorable to the Democratic party. They elected their candidates for Senators in all the Districts, except the Eighth, and ninety-two members of Assembly. David R. F. Jones was elected from the First Senatorial District, in the place of Mr. Franklin; Joshua B. Smith, from the Second, in the place of Mr. Hunter; Stephen C. Johnson, from the Third, in the place of Gen. Root; Orville Clark, from the Fourth, in the place of Mr. Hopkins; Thomas Barlow, from the Fifth, in the place of Mr. Ely; and George C. Sherman, to fill the vacancy occasioned by the death of Mr. Ruger; Clark Burnham, from the Sixth, in the place of Mr. Dickinson; Albert Lester, from the Seventh, in the place of Mr. Sherwood; and Frederick F. Backus, from the Eighth, in the place

of Mr. Dixon. Messrs. Allen, Hulburd, Lee, and Sanford, were returned to the Assembly. The most prominent Democrats among the new members, were Michael Hoffman, of Herkimer; Ashley Sampson, of Monroe; Clark B. Cochran, of Montgomery; Joseph S. Bosworth, of New-York; Horatio Seymour, of Oneida; and Thomas G. Alvord, of Onondaga. The Whigs elected Samuel Stevens, in Albany; Benjamin F. Hall, in Cayuga; Daniel Lee, in Erie; Gideon Hammond, in Essex; Israel Huntington, in Ontario; Archibald L. Linn, in Schenectady; and Nathaniel W. Davis, in Tioga.

The Legislature assembled on the 2d day of January, 1844. Elisha Litchfield, of Onondaga, was chosen Speaker. The Whig members voted for Samuel Stevens. The name of Mr. Hoffman was brought forward in opposition to Mr. Litchfield, who was supported by the friends of Gov. Bouck. At the Democratic caucus, the former received thirty-five votes, and the latter fifty-six. The Governor, in his annual message, recommended the re-organization of the judiciary system of the State, and the amendment of the Constitution, so as to limit the power of the Legislature to increase the State debt, and to require a two-third vote for every appropriation of public money, or property, except for the public defense. He also stated that he had found no reason to change, or modify, his general views, previously expressed, in relation to the public works and financial policy of the State.

The subject of constitutional reform, was one of the most important topics brought forward for discussion in the Legislature. On the fourth day of Janu

ary, Mr. Allen made a report, from the committee on rules, in favor of appointing a standing committee on amendments to the Constitution, as a substitute for the committee on retrenchment. Messrs. Hoffman, Hulburd, Sampson, and Stevens, opposed this feature of the report, and advocated the appointment of a select committee. Messrs. Allen, Bosworth, and Seymour, argued, with much ability, in favor of a standing committee, but the motion to strike out finally prevailed, by a vote of eighty-nine to thirty-six. A select committee was soon after appointed, on the subject of constitutional reform, of which Mr. Bosworth was chairman. A large proportion of the more radical members of the Democratic party, had lost all confidence in the amendment of the Constitution by the Legislature, and were inclined to support the project, already agitated, of calling a State Convention. The friends of Gov. Bouck, most of whom had formerly opposed the adoption of the People's Resolution, and the amendment of the Constitution, were apprehensive that the Whig members would unite with the radicals in passing a bill, providing for a Convention; and that the re-nomination of the Governor, might, in that event, be put entirely out of the question. The introduction of a bill, authorizing a Convention to revise the Constitution, by Mr. Hall, of Cayuga, naturally increased these apprehensions, and it was eventually concluded to support the amendments advocated by Mr. Hoffman and his friends. A resolution, amending the Constitution, so as to prevent the increase of the State debt, and to continue the pledges, and guaranties, of the law of 1842, was

adopted in the Assembly, on the 21st day of March, by a vote of seventy to forty-two. All the Democrats present, voted in the affirmative, except Messrs. Johnson and Burt, of Cattaraugus; Kingman and Grow, of Cortland; Foster, of Lewis; Sampson, of Monroe; Harris, of Montgomery; Wilson, of Niagara; Seymour and Douglass, of Oneida; Cole, of Orleans; and Seamans, of Yates. Every Whig member, who was in his seat, voted in the negative. These amendments were afterwards taken up in the Senate, and passed that body, by a decided vote. Separate motions were made to strike out both amendments, which were lost, by a vote of seven to eighteen. The following is the list of the ayes and noes, on the two motions:

*Ayes*—Messrs. Backus, Chamberlain, Faulkner, Hard, Platt, Scovil, Works—7.

*Noes*—Messrs. Barlow, Bartlit, Burnham, Corning, Deyo, Foster, Johnson, Lawrence, Lester, Lott, Mitchell, Porter, Sherman, Smith, Strong, Varian, Varney, Wright.—18.

Resolutions were also adopted by the Legislature, at this session, proposing amendments to the Constitution, which provided for the appointment of three associate Chancellors, and two additional Justices of the Supreme Court; which prohibited the removal of judicial officers, except for cause, and after hearing the accused in his defense; and which abrogated the property qualification for office. On the first day of May, an act was passed, establishing a new State Prison, north of a line running east and west of the city of Albany. This institution is now known as

the Clinton Prison, and was established for the purpose of employing the convicts in mining, and the manufacture of iron, upon the urgent solicitation of the mechanics of the State. Previous to the adjournment, acts were passed, providing for the preservation of the unfinished public works, and authorizing the Commissioners of the Canal Fund to borrow the sum of nine hundred thousand dollars, to be applied to the payment of land damages on the canals, and arrearages, and extra allowances to contractors; and directing a State tax, of one tenth of a mill on each dollar of valuation, to be raised annually, "for the payment of interest, and the re-imbursement of moneys authorized to be borrowed."

The opposition to the nominations made by Gov. Bouck was renewed, at the session of 1844. The recommendations of several county conventions were disregarded by the Governor, for the reason, as alledged by his friends, that he, and they, had been unjustly and unfairly proscribed, by those members of the party who were unfriendly to his re-nomination. The radical members of the Senate attempted to defeat a number of the candidates nominated by Mr. Bouck, but as the majority of the Senators elected in 1843 were among his warmest friends, these attempts were entirely unsuccessful.

The unfriendly feeling toward Gov. Bouck, was also exhibited at the Democratic Legislative caucus, held on the evening of the adjournment. The committee, appointed for that purpose, reported an address and resolutions. The address was unanimously adopted. A motion was made to strike out the reso-

lutions approving of the course of Gov. Bouck, and Lieut. Governor Dickinson, which was lost. The vote stood ; ayes twenty-three, and noes seventy-eight. Twenty-one of the Democratic members of the Legislature, among whom were Messrs. Porter, Denniston, Strong, Lester, and Hoffman, did not affix their names to the proceedings of the caucus.

Judge Cowen died on the 11th day of February, 1844. His death was superinduced by his laborious and excessive application to his professional studies. Samuel Beardsley, of the county of Oneida, was appointed to fill the vacancy on the bench of the Supreme Court. Judge Cushman, of the Third Circuit, and Judge Moseley, of the Seventh, resigned their offices during the winter. The former was succeeded by Amasa J. Parker, of Delaware, and the latter by Bowen Whiting, of Ontario.

At the charter election in the city of New-York, in the spring of 1844, the Whigs united with the Native Americans, who had recently organized themselves into a party, for the avowed purpose of securing a change in the naturalization laws. They succeeded in defeating the Democratic ticket by a large majority.

The question of annexing the republic of Texas to the United States, was agitated, in connection with the Presidential nominations, early in the spring of this year. The leading Democrats in the southern and western States, were generally in favor of the annexation ; while the northern Democrats were divided on the question. Mr. Van Buren, in an answer to a letter of inquiry addressed to him by a member of Congress from Mississippi, avowed himself un-



✓ friendly to the measure; whereupon measures were at once set on foot to defeat his nomination.

The Whig National Convention assembled at Baltimore, on the first day of May. Ambrose Spencer ✓ presided over its deliberations. Henry Clay was nominated for President, by acclamation. Theodore Frelinghuysen, of New-Jersey, was selected as the candidate for Vice President. The delegates from New-York presented the name of Millard Fillmore for that office, and he received upwards of fifty votes in the Convention. The Democratic Convention met on the 27th of May. Mr. Van Buren received a majority of the votes, on the first ballot, but as the rule adopted by the Convention required a vote of two-thirds, before a nomination could be made, seven additional ballotings were had, without making a choice. As it was now evident that the opposition to Mr. Van Buren would continue firm in their course, B. F. Butler, on behalf of the New-York delegation, withdrew the ✓ name of his friend. James K. Polk, of Tennessee, whose name had been presented on the eighth ballot, as a compromise candidate, was then unanimously nominated. Silas Wright, Jr., was nominated for the Vice Presidency, by the unanimous vote of the Convention, with the exception of the Georgia delegation. The circumstances under which Mr. Van Buren had been defeated, induced Mr. Wright to decline the nomination, and George M. Dallas, of Pennsylvania, was selected in his place. James G. Birney, of Michigan, and Thomas Morris, of Ohio, were the Abolition candidates for President and Vice President. Mr. Tyler was put in nomination by his friends, as a candidate for the Presidency



SILAS WRIGHT, JR.

LITH. OF C. CURRIER, N.Y.

but he afterwards withdrew his name from the canvass.

The Whig party in the State, were full of enthusiasm during the summer of 1844. The friends of Mr. Van Buren gave a cordial support to the nominees of the Baltimore Convention; but the opposition to the re-nomination of Gov. Bouck occasioned so much ill-feeling in the Democratic party, that the most sanguine expectations of success were indulged by their opponents. Several attempts were made to induce Mr. Wright to allow his name to be used in connection with the Gubernatorial nomination, in advance of the State Convention, but he steadily refused to give his assent. His position, as one of the leading members of the United States Senate, was an enviable one, and he certainly could not have coveted a participation in the dissensions among his political friends at home. Gov. Bouck, and his personal friends, Messrs. Croswell, Foster, Dickinson, and Seymour, were exceedingly anxious that he should be re-nominated; and that the Democratic party should not countenance the opposition to his administration, by the selection of another candidate. The friends of Mr. Wright continued to urge his name with much warmth, and insisted that he would not refuse the nomination if it were tendered to him. The great majority of the party soon became satisfied that the nomination of Mr. Wright was absolutely essential, in order to secure the Electoral vote of New-York for Mr. Polk, and he was nominated with great unanimity, at the Democratic State Convention, which met at Syracuse, on the 4th day of September. On the

informal ballot, Mr. Wright received ninety-five votes, and Mr. Bouck, thirty. Addison Gardiner, late Circuit Judge of the Eighth District, was unanimously nominated as the candidate for Lieutenant Governor. Nathaniel Jones, Stephen Clark, Daniel P. Bissell, and Jonas Earll, Jr., were selected for Canal Commissioners, in accordance with the law passed at the previous session of the Legislature, requiring those officers to be elected by the people.

The Whig State Convention assembled on Wednesday, the 11th day of September. The friends of Mr. Bradish were desirous of re-nominating him; but the feeling in favor of Mr. Fillmore, who resided in the Western part, of the State, and who, it was urged, had been unfairly deprived of the nomination for the Vice Presidency, was so powerful that he was nominated for Governor, without serious opposition. Samuel J. Wilkin, formerly an active and influential Clintonian member of the Legislature, from the county of Orange, was selected as the candidate for Lieut. Governor, and Samuel Works, Spencer Kellogg, Elijah Rhoades, and Joseph H. Jackson, for Canal Commissioners. Alvan Stewart, of Oneida, and Charles O. Shepard, of Wyoming, were the Abolition candidates for Governor and Lieutenant Governor.

A change was apparent in the Democratic ranks, immediately after the State ticket was announced; and both parties entered into the contest, full of hope and enthusiasm. The Whigs, in this State, took decided ground against the annexation of Texas, and in favor of the protective tariff of 1842; but the Democrats generally maintained the opposite posi-

tion. While the contest was at its height, several letters appeared from Mr. Clay, which were not as definite in regard to the Texas question, as was desired by a portion of his political friends in New-York, and from that moment the friends of Mr. Polk gathered new courage. The election was very close, considering the large number of votes polled, and resulted in the success of the Democratic electoral ticket, by about five thousand majority, over the Whig candidates. The whole number of votes cast for the office of Governor, was four hundred eighty-seven thousand, two hundred and eighty-three. The majority for Silas Wright, over Mr. Fillmore, was ten thousand and thirty-three. The Abolitionists, who had been urgently solicited to vote for the Whig candidates, gave upwards of fifteen thousand votes for their Electoral and State tickets.

The following were the Senators elected in 1844 : George Folsom, from the First District, in the place of Mr. Scott ; Robert Denniston was re-elected from the Second District ; John P. Beekman was chosen from the Third District, in the place of Mr. Strong ; Augustus C. Hand, from the Fourth, in the place of Mr. Lawrence ; Enoch B. Talcott, from the Fifth, in the place of Mr. Foster ; George D. Beers, from the Sixth, in the place of Mr. Platt ; Henry J. Sedgwick, from the Seventh, in the place of Mr. Rhoades ; and Carlos Emmons, from the Eighth, in the place of Mr. Works. All the new Senators were Democrats, except Mr. Emmons, and Mr. Folsom. The latter gentleman was the Native American candidate in the First District, and was elected by the combined vote of the

Whigs and Native Americans. In Albany, and other counties, the tenants on the leasehold estates, who had already formed a political organization, called "The Anti-Rent party," supported candidates for members of Assembly, who were either selected from the nominations of the two principal parties, or from the other friends of their cause. The Native American ticket, for members of Assembly, was elected in the city of New-York, and in the counties of Kings and Richmond. Of the remaining members of Assembly, there were seventy Democrats and forty-four Whigs. Messrs. Seymour, Lee, and Huntington, were re-elected. The most conspicuous of the new members on the Democratic side, were Thomas R. Lee, of Westchester; Benjamin Bailey, of Putnam; William C. Crain, of Herkimer; John L. Russell, of St. Lawrence; Calvert Comstock, of Oneida; and Dennis M'Carthy, of Onondaga. The Whigs elected several of their ablest men to the Assembly; among whom were William H. Van Schoonhoven, of Rensselaer; Ira Harris, of Albany; Alvah Worden, of Ontario; John Young, of Livingston; and John G. Collins, of Allegany.

The electoral vote of New-York decided the Presidential election in favor of the Democratic candidates. James K. Polk received one hundred and seventy of the electoral votes, and Henry Clay one hundred and five. Mr. Dallas was elected to the office of Vice President, by the same majority.\*

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\* As a matter of interest to the curious reader, a list of the Colonial Governors of New-York, prior to 1777, is subjoined.—See Note B, at the end of the volume.

[NOTE A.]

# LIST OF THE MEMBERS OF THE CONVENTION

TO REVISE THE CONSTITUTION, IN 1821.

*Albany,*  
JAMES KENT,  
AMBROSE SPENCER,  
STEPHEN VAN RENSSELAER,  
ABRAHAM VAN VECHTEN.

*Broome,*  
CHARLES PUMPELLY.

*Cayuga,*  
DAVID BRINCKERHOFF,  
ROWLAND DAY,  
AUGUSTUS F. FERRIS.

*Columbia,*  
FRANCIS SYLVESTER,  
WILLIAM W. VAN NESS,  
JACOB R. VAN RENSSELAER,  
ELISHA WILLIAMS.

*Cortland,*  
SAMUEL NELSON.

*Chenango,*  
THOMAS HUMPHREY,  
JARVIS K. PIKE,  
NATHAN TAYLOR.

*Clinton and Franklin,*  
NATHAN CARVER.

*Dutchess,*  
ELISHA BARLOW,  
ISAAC HUNTING,  
PETER R. LIVINGSTON,  
ABRAHAM H. SCHENCK,  
JAMES TALLMADGE, JR.

*Delaware,*  
ROBERT CLARKE,  
ERASTUS ROOT.

*Essex,*  
REUBEN SANFORD.

*Erie, Niagara, &c.*  
AUGUSTUS PORTER,  
SAMUEL RUSSELL.

*Genesee,*  
DAVID BURROUGHS,  
JOHN Z. ROSS,  
ELIZUR WEBSTER,

*Greene,*  
JEHIEL TUTTLE,  
ALPHEUS WEBSTER.

*Herkimer,*  
SANDERS LANSING,  
RICHARD VAN HORNE,  
SHERMAN WOOSTER.

*Jefferson,*  
HIRAM STEELE,  
EGBERT TEN EYCK.

*Kings,*  
JOHN LEFFERTS.

*Livingston,*  
JAMES ROSEBURGH.

*Lewis,*  
ELA COLLINS.

*Madison,*  
BARAK BECKWITH,  
JOHN KNOWLES,  
EDWARD ROGERS.

*Monroe,*  
JOHN BOWMAN.

*Montgomery,*  
WM. IRVING DODGE,  
HOWLAND FISH,  
JACOB HEES,  
PHILIP RHINELANDER, JR.,  
ALEX'R SHELLON.

*New-York,*

JACOBUS DYCKMAN,  
 OGDEN EDWARDS,  
 JAMES FAIRLIE,  
 JNO. L. LAWRENCE,  
 WM. PAULDING, JR.,  
 JACOB RADCLIFF,  
 NATHAN SANDFORD,  
 PETER SHARPE,  
 PETER STAGG,  
 P. H. WENDOVER,  
 H. WHEATON.

*Otsego,*

JOSEPH CLYDE,  
 RANSOM HUNT,  
 WM. PARK,  
 DAVID TRIPP,  
 MARTIN VAN BUREN.

*Orange,*

JOHN DUER,  
 JOHN HALLOCK, JR.,  
 PETER MILLIKEN,  
 BENJ. WOODWARD.

*Ontario,*

MICAH BROOKS,  
 JOHN PRICE,  
 PHILETUS SWIFT,  
 DAVID SUTHERLAND,  
 JOSHUA VAN FLEET.

*Onondagae,*

VICTORY BIRDSEY,  
 AMERI CASE,  
 ASA EASTWOOD,  
 PARLEY E. HOWE.

*Oneida,*

EZEKIEL BACON,  
 SAMUEL S. BREESE,  
 HENRY HUNTINGTON,  
 JONAS PLATT,  
 NATHAN WILLIAMS.

*Queens,*

RUFUS KING,  
 NATH'L SEAMAN,  
 ELBERT H. JONES.

*Rockland,*

SAMUEL G. VERBRYCK.

*Richmond,*

DANIEL D. TOMPKINS,

*Rensselaer,*

JIRAH BAKER,

DAVID BUEL, JR.,  
 JAMES L. HOGEBOOM,  
 JOHN REEVE,  
 JOHN W. WOODS.

*Schoharie,*

OLNEY BRIGGS,  
 ASA STARKWEATHER,  
 JACOB SUTHERLAND.

*Suffolk,*

USHER H. MOORE,  
 EBENEZER SAGE,  
 JOSHUA SMITH.

*Saratoga,*

SALMON CHILD,  
 JOHN CRAMER,  
 JEREMY ROCKWELL,  
 SAMUEL YOUNG.

*Schenectady,*

JOHN SAUNDERS,  
 HENRY YATES, JR.

*Seneca,*

ROBERT S. ROSE,  
 JONAS SEELY.

*St. Lawrence,*

JASON FENTON.

*Steuben and Allegany,*

TIMOTHY HURD,  
 JAMES M'CALL.

*Tompkins,*

RICHARD SMITH,  
 RICHARD TOWNLEY.

*Tioga,*

MATTHEW CARPENTER.

*Ulster and Sullivan,*

DANIEL CLARK,  
 JONATHAN DUBOIS,  
 JAMES HUNTER,  
 HENRY JANSEN.

*Westchester,*

PETER A. JAY,  
 PETER JAY MONRO,  
 JONATHAN WARD.

*Washington and Warren,*

ALEXANDER LIVINGSTON,  
 NATHANIEL PITCHER,  
 JOHN RICHARDS,  
 WM. TOWNSEND,  
 MELANCTON WHEELER.



[NOTE B.]

LIST OF CHIEF MAGISTRATES  
OF THE  
COLONY AND STATE OF NEW-YORK,  
FROM 1629 TO 1777.

DUTCH GOVERNORS.

WOUTER VAN TWILLER,.....	from 1629	to	1638
WILLIAM KIEFT,.....	1638	"	1647
PETER STUYVESANT, .....	1647	"	1664
ANTHONY COLVE,.....	Oct. 14, 1673	to Feb. 9, 1674	

ENGLISH GOVERNORS.

RICHARD NICOLLS, .....	from Sept. 7th, 1664	to	1667
FRANCIS LOVELACE, .....	1667	to Oct.	1673
SIR EDMUND ANDRÉSS, .....	1674	to	1681
ANTHONY BROCKHOLST, .....	1681	"	1683
THOMAS DONGAN, .....	1683	"	1688
FRANCIS NICHOLSON, .....	1688	"	
JACOB LEISLER, (Lieut. Gov.) .....	1689	"	1691
HENRY SLOUGHTER, .....	1691	"	
RICHARD INGOLSBY, (Lieut. Gov.) .....	1691	"	
BENJAMIN FLETCHER, .....	1692	"	1698
RICHARD, Earl of Bellamont, .....	1698	"	1701
JOHN NANFAU, (Lieut. Gov.) .....	1701	"	1702
LORD CORNBURY, .....	1702	"	1708
LORD LOVELACE, .....	1708	"	1709
GERARDUS BEEKMAN, (President,) .....	1709	"	
GENERAL HUNTER, .....	1710	"	1719
PETER SCHUYLER, (President,) .....	1719	"	1720

WILLIAM BURNET, .....	1720	"	1728
JOHN MONTGOMERY, .....	1728	"	1731
RIP VAN DAM, (President,) .....	1731	"	1732
WILLIAM CROSBY, .....	1732	"	1736
GEORGE CLARK, .....	1736	"	1743
GEORGE CLINTON, .....	1743	"	1753
JAMES DELANCY, (Lieut. Gov.) .....	1753	"	
DANVERS OSBORN. ....	1753	"	1755
SIR CHARLES HARDY, .....	1755	"	1757
JAMES DELANCY, (Lieut. Gov.) .....	1757	"	1760
CADWALLADER COLDEN, (Lieut. Gov.) .....	1760	"	1762
ROBERT MONCKTON, .....	1762	"	1763
CADWALLADER COLDEN, (Lieut. Gov.) .....	1763	"	1765
HENRY MOORE, .....	1765	"	1770
JOHN, Earl of Dunmore, .....	1770	"	1771
WILLIAM TRYON, .....	1771	"	1775

[The Colonial Government was suspended in May, 1775; from which time, to the adoption of the Constitution, April 20, 1777, New-York was governed by a Provincial Congress. Nathaniel Woodhull was elected President of the Congress, in August, 1775.]

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